

ADEQ

ARKANSAS
Department of Environmental Quality

May 27, 2009

Belva Plumlee, Wastewater Utility Manager
1901 N.E. A Street
Bentonville, Arkansas 72712

RE: AFIN: 04-00154

NPDES Permit No.: AR0022403

Dear Ms. Plumlee:

On May 21, 2009, I performed a routine pretreatment compliance evaluation inspection of the Bentonville wastewater treatment facility in accordance with the provisions of the federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. This inspection revealed the following violations/issues:

1. 3M ESPE OMNI Preventative Care is a Significant Categorical Industrial User. Although the permit issued by the Controlling Authority (CA) requires submission of semiannual reports, the Controlling Authority does not require submission of these reports during the months of June and December. This is in violation of 40 CFR 403.12(e)(1).
2. The 3M ESPE OMNI Preventative Care control document does not require notification to the CA of process change. This condition is recommended to ensure that the industrial user is properly characterized at all times.

The above items require your immediate attention. Please submit a written response to these findings to Cindy Garner, Water Division Enforcement Branch Manager. This response should be mailed to the address below. This response should contain documentation describing the course of action taken to correct each item noted. This corrective action should be completed as soon as possible, and the written response is due by June 8, 2009.

For additional information you may contact the enforcement branch by telephone at 501-682-0639 or by fax at 501-682-0910.

If I can be of any assistance, please contact me at 479-267-0811, ext. 16.

Sincerely,



John Fazio
District 1 Field Inspector
Water Division

cc: Enforcement Branch
Permits Branch

ADEQ

ARKANSAS
Department of Environmental Quality

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

5301 NORTHSHORE DRIVE / NORTH LITTLE ROCK / ARKANSAS 72118-5317 / TELEPHONE 501-682-0744 / FAX 501-682-0880

www.adeq.state.ar.us



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

NPDES Compliance Inspection Report

Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 <input type="text" value="N"/> 2 <input type="text" value="5"/> 3 <input type="text" value="A"/> <input type="text" value="R"/> <input type="text" value="0"/> <input type="text" value="0"/> <input type="text" value="2"/> <input type="text" value="2"/> <input type="text" value="4"/> <input type="text" value="0"/> <input type="text" value="3"/>	11 12 <input type="text" value="0"/> <input type="text" value="9"/> <input type="text" value="0"/> <input type="text" value="5"/> <input type="text" value="2"/> <input type="text" value="1"/>	18 <input type="text" value="P"/>	19 <input type="text" value="S"/>	20 <input type="text" value="1"/>	
Remarks					
<input type="text" value="A"/> <input type="text" value="F"/> <input type="text" value="I"/> <input type="text" value="N"/> <input type="text" value="0"/> <input type="text" value="4"/> <input type="text" value="-"/> <input type="text" value="0"/> <input type="text" value="0"/> <input type="text" value="1"/> <input type="text" value="5"/> <input type="text" value="4"/>					
Inspection Work Days	Facility Evaluation Rating	BI	QA	-----Reserved-----	
67 <input type="text"/> <input type="text"/> <input type="text"/> 69	70 <input type="text" value="N"/>	71 <input type="text" value="N"/>	72 <input type="text" value="N"/>	73 <input type="text"/>	74 75 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> 80

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) City of Bentonville Wastewater Treatment Plant 1901 NE A Street Bentonville, AR 72712	Entry Time /Date 0958 / 05-21-09	Permit Effective Date 03-01-09
	Exit Time/Date 1610 / 05-21-09	Permit Expiration Date 02-28-14
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Nancy Busen/Lab Supervisor and Pretreatment Coordinator/479-271-3160/479-271-3163	Other Facility Data Outfall 001: N 36.39234 W -94.20352 Entrance: N 36.39100 W -94.20383	
Name, Address of Responsible Official/Title/Phone and Fax Number Belva Plumlee/Wastewater Utility Manager/479-271-3160/479-271-3163 City of Bentonville 115 W. Central Bentonville, AR 72712	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

<input type="text" value="N"/> Permit	<input type="text" value="N"/> Flow Measurement	<input type="text" value="N"/> Operations & Maintenance	<input type="text" value="N"/> Sampling
<input type="text" value="N"/> Records/Reports	<input type="text" value="N"/> Self-Monitoring Program	<input type="text" value="N"/> Sludge Handling/Disposal	<input type="text" value="N"/> Pollution Prevention
<input type="text" value="N"/> Facility Site Review	<input type="text" value="N"/> Compliance Schedules	<input type="text" value="S"/> Pretreatment	<input type="text" value="N"/> Multimedia
<input type="text" value="N"/> Effluent/Receiving Waters	<input type="text" value="N"/> Laboratory	<input type="text" value="N"/> Storm Water	<input type="text" value="N"/> Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

- 3M ESPE OMNI Preventative Care is a Significant Categorical Industrial User. Although the permit issued by the Controlling Authority (CA) requires the submission of semi-annual reports, it does not require submission of these reports during the months of June and December.
- The 3M ESPE OMNI Preventative Care control document does not require notification to the CA of process change. This condition is recommended to ensure that the industrial user is properly characterized at all times.

Name(s) and Signature(s) of Inspector(s) John Fazio	Agency/Office/Telephone/Fax Arkansas Dept. of Environmental Quality/ Fayetteville/479-267-0816/479-267-0819	Date 05/27/09
Signature of Reviewer	Agency/Office/Phone and Fax Numbers	Date

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
PRETREATMENT COMPLIANCE INSPECTION (PCI) REPORT

Name of Municipality: City of Bentonville

AFIN Number: 04-00154

NPDES Permit Number(s): AR0022403, ARR00C404, ARR000192

Program Tracked under NPDES Permit Number: AR0022403

Fact Sheet Preparation Date: N/A

Date of Last PCI/Audit: 05-08-08 / 06-20,21,22-06

Date of Last Annual Report: 11-2008

Name of Inspector: John A. Fazio

Date PCI Performed: 05-21-09

Name, Title, and Telephone Number of Facility Representative:
Nancy Busen, Laboratory Supervisor & Pretreatment Coordinator,
479-271-3160

Name and Title of Other Participants: N/A

Number of IUs Visited: 1

Name(s) of IUs Visited: 3M ESPE OMNI Preventative Care

AN IU SITE VISIT FORM SHOULD BE COMPLETED FOR EACH IU VISITED

NOTE: ANY QUESTION PRINTED IN ALL CAPS AND BOLD PRINT INDICATES A REGULATORY REQUIREMENT AND MUST BE ANSWERED FOR THE PCI REPORT TO BE COMPLETE. A NO ANSWER TO ONE OF THESE QUESTIONS SHOULD RESULT IN AN UNSATISFACTORY RATING.

Form approved July 1989

A. INDUSTRIAL USER SURVEY

1. List any Significant Industrial Users (SIUs) which have been added or deleted from the program since the last audit or inspection. Kennametal, Inc. closed.

2. Has ADEQ or EPA been notified of these changes? Yes

3. **HAS THE INDUSTRIAL USER SURVEY BEEN KEPT UPDATED?** Yes

4. What procedures are being used to update the IU Survey?
 Recent efforts include grease trap disposal method surveys mailed out to various food services (restaurants, schools, childcare facilities, etc.). Also, Hazardous Waste Certification Statements mailed out to multiple medical and healthcare facilities, dentists, and pest control businesses to determine if they generate hazardous waste and method of disposal. City Planning sends POTW primary blueprints of new businesses that are potential dischargers of pollutants of concern. Inspections of these facilities are conducted. Yellow pages are used to keep abreast of new businesses. Utility accounts with > 25,000 GPD discharge routed to POTW. Also, participation in various effective programs and committees for alternatives to flushing of pharmaceutical drugs; flyer mail-out w/ utility bills.

5. Total number of Significant Industrial Users, according to the definition used by the POTW. (This number must be greater than or equal to the answer to question 6) 3

6. Number of Categorical Industrial Users: 1

7. How does the POTW determine the appropriate categorical standards to apply to an IU? Facility personnel reviews applicable regulations, visits industrial users and determines what regulations apply.

8. List all categorical IUs discharging under the approved (such program. Include the name of the IU, the regulatory category as Metal Finishing), and the regulated process (phosphating, zinc plating, etc.) Additional listings can be made in the comments section if necessary.

Name of IU:	Category:	Regulated Process:
3M OMNI Preventative Care	SIC 2834, 5122 Pharmaceutical Manufacturing Point Source	Mixing/Compounding and Formulation of Pharmaceutical Product

B. LOCAL LIMITS

1. IS THE POTW APPLYING LOCAL LIMITS WHICH HAVE BEEN APPROVED BY ADEQ OR EPA? Yes, technically-based local limits have been established.

2. Describe any apparent problems with the local limits.
None

3. How often are pollutant scans of POTW influent, effluent, and sludge performed by the POTW? Does this fulfill the requirements of the approved program (as described in the fact sheet) and part III of the NPDES permit?

Pollutant:	Frequency:	Requirement in		Comments:
		Permit:	Program:	
Metals:				
Influent:	<u>1/quarter</u>	<u>1/quarter</u>	<u>0/year</u>	<u></u>
Effluent:	<u>1/quarter</u>	<u>1/quarter</u>	<u>0/year</u>	<u></u>
Sludge:	<u>1/quarter</u>	<u>1/quarter</u>	<u>0/year</u>	<u></u>
Organics:				
Influent:	<u>1/year</u>	<u>1/year</u>	<u>0/year</u>	<u></u>
Effluent:	<u>1/year</u>	<u>1/year</u>	<u>0/year</u>	<u></u>
Sludge:	<u>1/quarter</u>	<u>1/quarter</u>	<u>0/year</u>	<u></u>

4. Have there been any inhibitions or upsets at the POTW (since the last PCI of Audit) which were believed to be caused by industrial discharges? If so, describe the action taken by the City to ensure that the incident would not recur. Were these actions effective?
No.

C. INDUSTRIAL USER CONTROL MECHANISM

1. Is the POTW using the type of control mechanism (permit, agreement, etc.) required by the approved program? Yes, permit.

2. How many IU permits (or other control documents) have been issued? 3

3. DO ALL SIGNIFICANT IUS HAVE CURRENT (UNEXPIRED) CONTROL DOCUMENTS? IF NOT, LIST ALL UNPERMITTED SIUS, THE DATE OF EXPIRATION OF THEIR PREVIOUS PERMIT (IF APPLICABLE), AND THE REASON FOR DELAY IN ISSUING THE REQUIRED DOCUMENT.
Yes

4. Does the control document contain the following items?
An expiration date: Yes

Discharge limitations: Yes

If the program requires self-monitoring by the IUs, do the Permits contain:

IU self-monitoring requirements: Yes

IU reporting requirements: Yes

5. Indicate which of the following recommended standard conditions are contained in the control documents:

Sample location: Yes

Type of sample: Yes

Monitoring frequency: Yes

Bypass prohibition: Yes

Right of entry: Yes

Nontransferability: Yes

Revocation clause: Yes

Penalty Provisions: Yes

Slug load notification: Yes

Notification of process change: Not contained in 3M permit

D. MONITORING OF IUS BY POTW

1. Indicate current inspection and sampling frequency and program requirement below:

	Current frequency:	Program Requirement:
Sampling:		
categorical IUs	<u>1/year</u>	<u>1/year</u>
other SIUs	<u>1/month</u>	<u>1/year</u>
Inspection:		
categorical IUs	<u>At least 1/year</u>	<u>1/year</u>
other SIUs	<u>At least 1/year</u>	<u>1/year</u>

2. HAS EACH SIU BEEN INSPECTED AND SAMPLED AT THE FREQUENCY REQUIRED BY THE APPROVED PROGRAM? Yes

3. Are inspections announced or unannounced? Usually announced

4. Are records kept of each inspection? Yes

5. Does the inspection report contain an adequate description of the following:

Date and time of inspection: Yes

Officials present: Yes

Inspection of chemical storage areas: Yes

Description of regulated processes, categorical waste streams, and discharge location of these waste streams: Yes

Inspection of the pretreatment facilities: Yes

Review of self-monitoring records: Yes

Observation of IU self-monitoring procedures: Yes

Verification that approved analytical techniques are used: Yes

Verification of IU flow measurement (where required): Yes

6. Overall adequacy of inspection documentation: Very good.
Inspections are comprehensive.

7. DOES THE POTW SAMPLE IUS FOR ALL POLLUTANTS REGULATED IN THEIR PERMITS? (IT IS NOT NECESSARY TO SAMPLE FOR ALL POLLUTANTS EVERY TIME, BUT IT MUST BE DONE PERIODICALLY). Yes

8. Are analyses performed in accordance with EPA-approved methods (40 CFR 136)? Yes

9. Are sampling and flow monitoring equipment properly maintained? POTW's equipment is properly maintained.

10. Is the POTW keeping proper field notes and chain of custody forms? Yes

11. Is the sampling location representative of the discharge to the collection system? Yes

12. Are sampling locations identified in POTW records? Yes

13. Are sampling services available in an emergency? Yes

14. What are the POTW's procedures for tracking receipt and review of IU reports, such as BMRs, semi-annual reports, progress reports, bypass reports, and self-monitoring reports? Data from self-monitoring reports is entered and tracked on spreadsheets. Now on Flash-Drive. Hard copies are kept of self-monitoring reports, lab report forms, COCs, flow charts and pH charts. Hard copy of BMR on file.

15. ARE SELF-MONITORING REPORTS REVIEWED TO VERIFY THAT ANALYSES WERE PERFORMED FOR ALL REGULATED PARAMETERS, AND TO EVALUATE COMPLIANCE WITH EFFLUENT LIMITS? Yes.

16. IF VIOLATIONS ARE FOUND IN REPORTS, DOES THE POTW RESPOND TO ALL VIOLATIONS? Yes.

17. What are the POTW's procedures for following up violations?
In accordance with their Enforcement Response Plan.

18. **HAS THE POTW REVIEWED BMRS FOR COMPLIANCE WITH 40 CFR
403.12(b)?:** **Yes**

Review a Baseline Monitoring Report from the POTW's file,
and indicate which of the following items can be identified
in the BMR:

Name and address: **Yes**

Other environmental permits held: **N/A**

Description of operations: **Yes**

Process flow diagrams: **Yes**

Flow measurements: **Yes**

Measurements of regulated pollutants: **Yes**

Certification of compliance by the IU: **Yes**

Compliance schedule (if needed): **N/A**

19. Additional comments on the POTW's inspection and sampling
procedures: _____

5. Comments on the POTW's enforcement procedures:
The enforcement program has been implemented. AO issued to Kraft on 10/21/08 for multiple violations (11) of total phosphorus limits in 07-08 pretreatment year and failure to maintain a consistent method of detecting and treating phosphorus.
-

F. POTW'S PRETREATMENT ORGANIZATION STRUCTURE

1. Is the program structure essentially the same as that presented in the approved pretreatment program? Yes.
-
2. Are staffing levels adequate? Additional staff time dedicated to the program would be helpful.
3. Are the responsible officials familiar with the approved program? Yes.
-

G. MULTIJURISDICTIONAL ISSUES

1. List any IUs which are located outside of the jurisdictional area of the POTW: Northwest Arkansas Regional Airport (NWARA), City of Centerton POTW.
-
2. Does the POTW have adequate procedures for controlling IUs located outside its jurisdictional area? Yes. IUs required to contact city if they are to discharge abnormal sewage & required to notify city of spills.
3. Does the POTW have copies of permits for IUs in other cities? N/A, none permitted - contracts only.
-
4. Have any of these IUs met the criteria for Significant Violator? If so, have they been published by the POTW in its annual list of Significant Violators? No.
-
5. Comments on multijurisdictional issues: NWARA should be surveyed and/or visited again to determine if they are now a significant and/or categorical user. This was noted on the last two inspections.
-

H. EVALUATION AND COMMENTS

Bentonville POTW:

1. Although the 3M ESPE permit requires submission of semi-annual reports, the document does not require the facility to submit the reports in the months of June and December as required for all industrial users subject to a categorical Pretreatment Standard.

2. The 3M ESPE permit does not contain a notification of process change condition. This condition is recommended to ensure that the SIU is properly characterized at all times.

3. NWARA must be revisited as soon as possible to determine if they are now a SIU or Categorical User. This was noted on the last two inspections.

The Annual IU Survey is satisfactory. It is necessary to continue to send out surveys/questionnaires to additional business/industry sectors on a regular basis. It is critical that you continue to document your survey efforts so that they are all available for review (i.e. inspections, returned questionnaires, etc.).

3M ESPE OMNI Preventative Care:

The facility appeared to meet the requirements contained in their control document.

PRETREATMENT COMPLIANCE INSPECTION

IU SITE VISIT FORM

Name of Industry: 3M ESPE OMNI Preventative Care

POTW Name: City of Bentonville

Industry Contacts: Chris McNew, Manufacturing Supervisor

Date and Time of Visit: 05-21-09 / 1435

Description of Manufacturing Process:
Mouth rinses and gel treatment for dentistry/prescription are produced and packaged at this facility.

Sources of Process Wastewater:
Rinse from compounding kettles that are used in the product manufacturing process.

Categorical Industry? Yes

Basis for Limits: Local limits

Point of Application: At the sink drain in the compounding room.

Description of Pretreatment Equipment and Procedures:
Adjustment of pH as necessary. Waste batch rinsate pH measured and adjusted before discharge to sink drain in compounding room.

Spill Prevention and Solvent Management Procedures:
Floor drain covers in compounding room where product produced.
Bulk glycerin tank is double-walled and has high-level alarm.
Containers used for flavoring are sent via Clean Harbors hazardous waste haulers to Little Rock for incineration.
Spill containment for liquid-filled drums.

Sampling Location and Equipment:
Sample at sink (point of discharge) in compounding room. SIU contract lab obtains grab samples. Batch discharge volumes are recorded.

PPETS CODE SHEET

PRETREATMENT COMPLIANCE INSPECTION (PCI)

		CODE
INSPECTOR'S NAME:	<u>John A. Fazio</u>	
NAME OF FACILITY:	<u>City of Bentonville, Arkansas</u>	
PERMIT NUMBER USED TO TRACK PROGRAM:	<u>AR0022403</u>	NPID
DATE OF PCI:	<u>May 21, 2009</u>	DTIA

PPETS WENDB DATA ELEMENTS

NUMBER OF SIGNIFICANT IUS (SIUS):	<u>3</u>	SIUS
NUMBER OF CATEGORICAL IUS:	<u>1</u>	CIUS
SIUS NOT SAMPLED OR INSPECTED BY POTW:	<u>0</u>	NOIN
SIUS WITHOUT CONTROL MECHANISM:	<u>0</u>	NOCM
SIUS IN SIGNIFICANT NONCOMPLIANCE WITH STANDARDS OR REPORTING:	<u>0</u>	PSNC
SIUS IN SIGNIFICANT NONCOMPLIANCE WITH SELF-MONITORING REQUIREMENTS:	<u>0</u>	MSNC
SIUS IN SIGNIFICANT NONCOMPLIANCE WITH SELF-MONITORING AND NOT INSPECTED OR SAMPLED BY POTW:	<u>0</u>	SNIN



June 5, 2009

Cindy Garner
Water Enforcement Branch Manager
5301 Northshore Drive
North Little Rock, AR 72118-5317

RE: AFIN: 04-00154 Permit # AR0022403

Dear MS Garner;

In response to the inspection document issued May 27, 2009;

Issue 1:

3M ESPE OMNI Preventive Care is a significant Categorical Industrial User. Although the permit issued by the Controlling Authority (CA) requires submission of semiannual reports, the Controlling Authority does not require submission of these reports to be in the months of June and December. This is a violation of 40 CFR 403.12(e) (1).

Response 1:

An amendment to the permit for 3M ESPE OMNI Preventive Care will be issued to include requirements per CFR 403.12(e) (1).

Issue 2:

The 3M ESPE OMNI Preventive Care control document does not require the notification to the CA of process change. This condition is recommended to ensure that the industrial user is properly characterized at all times.

City of Bentonville WWTF
Pretreatment Division

1901 N. E. "A" Street
Bentonville, AR 72712

(479) 271-3160
FAX: (479) 271-3163

Response 2:

Section N page 6 of 3M ESPE OMNI Preventive Care control document states:

"The Permittee shall give notice to the Control Authority 60 days prior to any facility expansion, production increase, or process modifications which results in new or substantially increased discharges or a change in the nature of the discharge."

At the time of the inspection both Mr. Fazio and I went over the permit and neglected to spot this item.

We are constantly aware of our roll in the environmental protection and strive to do our part. I hope you find this response adequate. If there are further comments or questions please feel free to contact us at any time.

Respectfully submitted,



Belva Plumlee
Bentonville Wastewater Utilities Manager
1901 N.E. "A" St.
Bentonville, AR 72712



City of Bentonville Wastewater
1901 N.E. "A" Street
Bentonville, AR 72712

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