



ARKANSAS  
Department of Environmental Quality

September 8, 2009

Emric Roll, Pretreatment Coordinator  
North Little Rock Waste Water Utility  
P.O. Box 17898  
North Little Rock, AR 72117-0898

Re: North Little Rock (NPDES Permit #AR0020303; AFIN #6004318) Pretreatment Program Modification Submittal to Meet the Revised Streamlining Revisions in 40 CFR 403

Dear Mr. Roll,

The Department has completed its review of the City of North Little Rock's Pretreatment Program Modification.

Meetings between the City and the Department regarding required modifications to the City's Ordinance modifications to meet "EPA's Model Pretreatment Ordinance" began prior to October 2007. Revisions were made in response to those discussions and EPA's Ordinance checklist was completed. An e-mail dated 4/23/08 from this office stated "appropriate revisions were made to your legal authority in meeting the minimum requirements per EPA's guidance and the Streamlining Rule dated 10/05".

The City's Program revised Enforcement Response Plan (ERP), the "Program Structure" (implementation procedures) Section and an example revised City issued industrial user (IU) permit has been reviewed to verify the City's entire Program is current with 40 CFR 403.

Find the below requirements and recommendations for your action and/or comments. The order of these will follow each of the aforementioned sections as they are found in your Program.

#### **Enforcement Response Plan (ERP) Section**

Required Actions:

- 1) The revised ERP removed Section IV.B., "Show Cause Hearing". Retain this section as it is an enforcement option the City has legal authority to utilize (Ordinance Section 10.4). This enforcement option is also listed in the Program's ERP Enforcement Response Guide (ERG).
- 2) The revised ERP removed Section IV.C., "Administrative Penalties" for which the City has the legal authority to use (Ordinance Section 10.7). Retain this section and enforcement option in the list on page 9. Revise the ERG where appropriate to include this as a "Potential Enforcement Response".

3) Revise the column entitled, “Potential Enforcement Responses” to include, where appropriate, the above two (2) options in the ERP’s ERG and include them in the footnoted acronyms.

Omitting these enforcement options will be construed as a substantial modification under **40 CFR 403.18(b)(1)**, “Modifications that relax POTW legal authorities (as described in §403.8(f)(1)), except for modifications that directly reflect a revision to this Part 403 or to 40 CFR chapter I, subchapter N, and are reported pursuant to paragraph (d) of this section;...” and/or **40 CFR 403.18(b)(7)**, “Other modifications designated as substantial modifications by the Approval Authority on the basis that the modification could have a significant impact on the operation of the POTW's Pretreatment Program; could result in an increase in pollutant loadings at the POTW; or could result in less stringent requirements being imposed on Industrial Users of the POTW.” A needless public notice will be required if these are not re-inserted.

Recommendations:

1) The revised ERP removed Section III.B.3.(b) and similar language in the last paragraph of Section IV.A. This deletion is determined a non-substantial modification under 40 CFR 403.18(d).

2) Recommend revising the ERP’s “Consent Agreements” (Section IV.A.) to “Consent Orders/Agreements” to coincide with specific language in the City’s revised Ordinance, Section 10.4.

### **Program Structure Section (Implementation Procedures)**

Required Actions:

1) “Program Organization”: Has there been any changes to this section since it was last revised on 1/04 and 7/05 that needs to be updated? If so, these must be included in this section.

2) “Monitoring”, Page 5: Include language with an additional item #9, “To ensure compliance with all industries limits, BMPs and requirements per 40 CFR 403.8(f)(1)(v).” This will bring your monitoring purposes in-line with the aforementioned citation.

a) Revise the first full paragraph language on page 6 to include, “Parameters [numeric limitations] and Best Management Practices [narrative requirements]” (BMPs) to be monitored are determined on individual IU basis.”

b) Partial paragraph continued at the top of page 7: Include language, “...pretreatment facilities (if any) are being operated properly, BMPs (if required) are being implemented, and no intentional...”

These two above required changes coincide with 40 CFR 403.8(f)(1)(B)(iii)(3).

c) Bottom paragraph on page 7: Include language, “The Utility shall require submittal of BMP compliance documentation (where appropriate)...” This required change coincides with 40 CFR 403.12(e)(1).

Recommendations:

1) Last paragraph on page 6: The existing language can remain the same regarding "..., each significant industrial user will be evaluated as to the need for a Slug Discharge potential." [Annually, during inspections]. However, 40 CFR 403.8(f)(vi) now only requires this evaluation to be done once (by 10/14/06).

It is recommended to modify the current language to state, "Each existing Significant Industrial User (SIU) has been evaluated for its slug discharge potential. Any new SIUs connecting to the City collection system will be evaluated for its slug potential".

Otherwise, the City will be obligated by its own Pretreatment Program provisions to annually document slug potential evaluations.

2) "Multijurisdictional Issues", Page 11: Recommend updating this paragraph to state Sherwood has revised (8/25/08) its Pretreatment Ordinance.

Has there been a new "Interjurisdictional Pretreatment Agreement" signed (since 1989) that needs to also be mentioned here?

### **Wastewater Discharge Permit**

Recommendations:

1) Include on the first page of the permit your specific legal authority (Ordinance # 8094 or City Code Annotated section). See second bullet in Section 6.2 of EPA's "[IU ] Permitting Guidance Manual" (9/89).

2) Page 9, Item #7: Recommend including "Failure to meet effluent guidelines or applicable Best Management Practices." This revision coincides with 40 CFR 403.8(f)(1)(B)(iii)(3).

3) Section 11, "Special Conditions": Does the City intend to require "a Slug Load/Discharge Control Plan" regardless of the facility's potential? If this is an "as required" basis, please clarify.

Typos:

Page 8, "Failure to provide advance notice of a transfer...renders the discharge permit 'voidable'..."

Section 3 and top of page 12, 'PROHIBITED' DISCHARGES" titles.

Section 3, Bypass C.(2), "A 'permittee'/User shall submit..."

Page 23, bottom of the page's only paragraph, "This plan shall be posted by the 'Permittee'/User in all areas..."

As soon as the above required revisions can be submitted and the recommendations/comments addressed, the City's permits can be revised to reflect the approved modification. Upon approval, the following language will be included in Part II of the City's three (3) permits: "The POTW's pretreatment program is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:..."

Please submit the entire updated Pretreatment Program (preferably in electronic format) which incorporates the above required and City-desired recommended changes.

If there are any questions/comments or you need further assistance, please feel free to contact me at (501) 682-0625.

Sincerely,



Allen Gilliam  
ADEQ State Pretreatment Coordinator

cc: E-drive/Pretreatment Reports