

Henderson, Katie

From: Gilliam, Allen
Sent: Wednesday, March 24, 2010 2:09 PM
To: 'Jeff Davis'
Cc: Henderson, Katie
Subject: Little Rock's Non-Substantial Program Modification Request/Response

Jeff,

Based on the fact that surcharge systems are not 40 CFR 403 Pretreatment Requirements, changing of rates/industry classifications and reduction of surcharge monitoring will be deemed a non-substantial modification to your Program. Procedures in 40 CFR 403.18(d) will be followed.

It is this office's opinion, a reduction in surcharge monitoring is not equivalent to a reduction in compliance monitoring for Pretreatment Standards which would be considered a substantial Program modification under 40 CFR 403.18(b)(4).

Please submit the revisions to your program which reflect these changes once they are made with a "[revision date]" stamp on the revised page(s).

On a side note, it would be much easier to replace future revisions to your Pretreatment Program and its separate "Technically Based Local Limits" notebook if they were contained in 3 ring notebooks instead of the current spiral bound ones. Can these be resent in 3-ring notebooks? It would be greatly appreciated.

Sincerely,

Allen Gilliam
ADEQ State Pretreatment Coordinator
682.0625

cc: Katie Henderson/E-drive/Pretreatment Reports

-----Original Message-----

From: Jeff Davis [mailto:jeff.davis@lrwu.com]
Sent: Tuesday, March 23, 2010 4:05 PM
To: Gilliam, Allen
Subject: Ordinance and Pretreatment Program Modifications

Allen

Thanks for your time this morning (3/23/10) for our telephone conversation concerning possible refinements to our pretreatment ordinance and program. LRW is considering some rate changes that may affect how we define and use classifications for our IUs with our sewer rates and surcharge program. One option is to have a commercial and industrial class for sewer rates. The LRW pretreatment ordinance and program classifies IUs as Categorical Significant Industrial User (CIU), Significant Industrial User (SIU), and Non Significant Industrial User (NSIU) for the purpose of permitting, reporting and monitoring.

Currently LRW pretreatment ordinance and program includes procedures for an extra strength surcharge program, and monitoring frequency criteria for industries subject to the extra strength surcharge. LRW may option to remove the surcharge program procedures and criteria from the pretreatment ordinance and/or Pretreatment program and/or consider reducing monitoring frequencies for the Surcharge IUs.

Based on my understanding from our conversation you were not sure if these changes would be a major or minor pretreatment modification. Initially you stated a reduction in surcharge monitoring could justify a major modification, however, since the surcharge program itself is not a 40CFR403 requirement you agreed it may not be a substantial modification but you would need to look into it a little further.

Depending on the direction the LRW executive committee decides please provide any guidance or procedures LRW will need to follow to make and have any Approved Pretreatment Program modifications approved. It is LRW's understanding that a Pretreatment Program modification, regardless of whether modifications are substantial such as those which we discussed, does not require an NPDES Permit Modification.

Jeff Davis
Pretreatment Supervisor
Little Rock Wastewater