



ARKANSAS  
Department of Environmental Quality

NOV 28 2012

Denise Bosnick  
Director of Environmental Quality  
West Memphis Utility Commission  
P.O. Box 1868  
West Memphis, AR 72303

RE: City of West Memphis Streamlining Update  
(Permit No. AR0022039, AFIN 18-00109)

Dear Ms. Bosnick:

The Department has reviewed the City's Pretreatment Program narrative attached to the West Memphis Utility Commission (WMUC) letter dated May 4, 2012. The narrative did not include the following required information:

1. Appendix F (City Attorney Letter) was missing. The last program narrative (approved on January 11, 1996) has a letter from the City Attorney (David Peeples) dated November 12, 1992. Since the letter is twenty years old, the Department recommends that the City submit a new letter or the City must confirm that the November 1992 letter is still applicable.

On or before **January 15, 2013**, the Department will expect the City to submit a new Attorney letter based on 40 CFR 403.9(b)(1) or confirm (in a brief letter from the present City Attorney) that the existing letter from David Peeples dated November 12, 1992 is still applicable.

2. The narrative did not include a local limit development discussion.
  - a. The City discharges to the Mississippi River, and the 2011 Annual Report shows that metals and cyanide are entering the POTW at typical domestic concentrations. Therefore, local limits for toxic pollutants appear unnecessary at this time.

- b. The chart submitted with the WMUC email dated July 3, 2012 indicated ample capacity for BOD<sub>5</sub> and TSS loading:

In May 2011 the BOD<sub>5</sub> loading was 13,070 lbs/day and the TSS loading was 15,923 lbs/day. During this month the POTW was compliant with the permitted effluent limits (30 mg/l BOD<sub>5</sub> and 45 mg/l TSS). The average BOD<sub>5</sub> effluent concentration was only 5.6 mg/l, and the average TSS effluent concentration was only 7.6 mg/l. Based on the 2011 Annual Report, the average flow to the POTW was 4.6 MGD. Since no domestic loading for BOD<sub>5</sub> and TSS were submitted, the Department used typical values of 200 mg/l for each. Therefore, the MAILs are:

$$13,070 - (200 \times 4.6 \times 8.34) = 13,070 - 7673 = 5397 \text{ lbs/day BOD}_5 \text{ \&}$$
$$15,923 - 7673 = 8250 \text{ lbs/day TSS}$$

The City currently has no point source (food processors, etc.) for BOD<sub>5</sub> and TSS but has ample capacity for any future loaders. Local limits for conventional pollutants appear unnecessary at this time.

In conclusion, local limits are not necessary at this time. Nonetheless, in accordance with 40 CFR 403.5(c)(1), the City must continue to monitor SIUs and develop local limits in the future as necessary.

3. The narrative did not include updated codes. The City amended Ordinance No. 2187 with Ordinance No. 2266 (enacted on January 6, 2011) to update the legal authority to comply with the Department's recommended and required changes. The City submitted an updated ordinance with these changes; however, the updated ordinance included was Ordinance No. 2187 with the original date of enactment (May 1, 2008). The City must use the current enacted ordinances as the legal authority to avoid confusion. The Department contacted the West Memphis City Clerk office (Cindy Greenwood) to get a copy of the enacted ordinance. The City must use the enacted ordinances temporarily as the legal authority. Since Ms. Greenwood indicated that updating the codes may take years, the Department will not place a deadline on receiving the updated Chapter 14.52 containing all of the updated codes. Please remove all ordinances from the program narrative and insert an updated Chapter 14.52 (when available) to replace the ordinances. Send a copy of the updated Chapter 14.52 to the Department, too.

4. Please review the revised narrative attached to the Department's email dated November 26, 2012 and make corrections. Please send the Department the corrected program narrative by **January 15, 2013**.

If you have any questions or concerns, please contact the Department at 501-682-0626 or by email at [torrence@adeq.state.ar.us](mailto:torrence@adeq.state.ar.us).

Sincerely,



Rufus Torrence  
ADEQ Engineer

Enclosure

cc: Craig Uyeda, ADEQ Technical Assistance Manager, Enforcement Branch