

Henderson, Katie

From: Gilliam, Allen
Sent: Wednesday, April 25, 2012 4:10 PM
To: Aaron.Exley@nidec-motor.com
Cc: mary timmons; fayetteville denise georgiou; Henderson, Katie; Molina.Rudy@epamail.epa.gov
Subject: AR0036692_Nidec ARP000026 April 2012 Semi Annual Pretreatment Report Reply_20120425 AFIN 5700067

Aaron,

Your April 2012 Semi-Annual Pretreatment report was received on 4/20/12, reviewed, deemed complete and compliant with the Federal Pretreatment Requirements in 40 CFR 403.12(e) and more specifically in compliance with the Metal Finishing limitations in 40 CFR 433.17. There is no further action deemed necessary at this time.

Thank you for the explanation of your separate sampling results from your Alkota washer system. The analytical results received would have been confusing without your explanation.

Once again, please make sure your chains of custody (C of C) are complete/"unbroken". A complete C of C should show the sampler's name clearly, who he/she relinquished it to, who received it; then who he/she relinquished it to till its final destination or "received by" the final contract lab (appears to be American Interplex in most, if not all of your analyticals reported). Those received were broken chains of custody and may not be viable in a court of law. Please call if you have any specific questions about this issues since this is the second time it has been addressed.

As far as the City passing a Pretreatment Ordinance in the near future, nothing should change in your current reporting requirements per 40 CFR 403.12. Based on Nidec's historical records, volume and loading of metals discharged, semi-annual reports would suffice in this office's opinion unless the City has some justification for requiring more frequent reports.

As per our phone conversations, it is certainly within your "affected parties'" rights to comment on the proposed City Pretreatment Ordinance requesting consideration of adding the optional "Streamlining" revision to 40 CFR 403 allowing the City to recognize Nidec as a "non-significant categorical industrial user" per 40 CFR 403.3(v)(2), "The Control Authority [ADEQ has already adopted the current version of 40 CFR 403] may determine that an Industrial User subject to categorical Pretreatment Standards...is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater..." and allow [per 40 CFR 403.12(q)] "Annual certification by Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User...must annually submit the following certification statement, signed in accordance with the signatory requirements in paragraph (l) of this section. This certification must accompany any alternative report required by the Control Authority:..."

While ADEQ will still hold the "Control Authority" status because the City has not been delegated implementation of an approvable Pretreatment Program, the City will have enforcement primacy with its local Ordinance enforcement options. ADEQ has the legal right to over-file if the City's enforcement actions for pretreatment violations are deemed insufficient or ineffective.

Sincerely,

Allen Gilliam

ADEQ State Pretreatment Coordinator
501.682.0625