Region 6 - Enforcement & Compliance Assurance Division

INSPECTION REPORT

Inspection Date(s):	01/14/2025 to 01/16/2025	
Media Program:	Water	
Regulatory Program(s)	CWA – NPDES Pretreatment	
Control Authority Name:	**City of El Dorado/ El Dorado Water Utilities**	
Mailing address:	P.O. Box 2170	
(city, state, zip code)	El Dorado, AR 71730	
County/Parish:	Union County	
Facility Phone Number	870-862-7911	
Facility Contact:	Paul Choate	Mayor
	mayor@eldoradoar.org	
Facility Name:	**North Plant**	**South Plant**
Facility Physical Location:	1119 Victor Dumas Dr.	325 Quail Crossing
(city, state, zip code)	El Dorado, AR 71730	El Dorado, AR 71730
FRS Number:	110000867893	110002042218
Identification/Permit Number:	AR0033936 / AR0050296	AR0033723 / AR0050296
Media Identifier Number:		
NAICS:	221320	
SIC:	4952	

Personnel participating in inspection:

Name	*Affiliation/mailcode*	*Title*	*OC[1]*	*CC[2]*
Amy Andrews, P.E.	USEPA/6ECD-WM	Lead Inspector/ Region Pretreatment Enforcement Coordinator	X	X
Kenneth AuBuchon, P.E.	USEPA/6ECD-WM	Inspector/ Environmental Engineer	X	X
Silvia Zavala	USEPA/6WD-PN	WET/Pretreatment Environmental Scientist	X	
Michael Young	Arkansas Department of Energy and Environment	ADEQ Inspector Supervisor	X	X
Angelia Lamb	Arkansas E&E	ADEQ Inspector	X	
Tenita Smoke	Arkansas E&E	ADEQ Inspector	X	
Kris Winder	El Dorado Water Utility	Pretreatment Coordinator	X	X
Amanda Gallagher	Alliance Technical Group	Senior Project Engineer	X	X
Michael McMahan	El Dorado Water Utilities	Treatment Superintendent		
John Pepper	El Dorado Water Utility	Environmental Coordinator		

1 – Personnel in attendance at Opening Conference (OC) *2 – Personnel in attendance at Closing Conference (CC)*

EPA Lead Inspector Signature/Date	AMY ANDREWS Digitally signed by AMY ANDREWS Date: 2025.06.18 11:29:59 -06'00'	
	Amy Andrews	Date
Supervisor Signature/Date	ROBERTO BERNIER Digitally signed by ROBERTO BERNIER Date: 2025.06.18 12:43:09 -05'00'	
	Roberto Bernier	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

Environmental Protection Agency (EPA) Region 6 Inspectors, Amy Andrews and Kenneth AuBuchon, accompanied by Arkansas Department of Energy and Environment, Division of Environmental Quality (ADEQ) inspectors, Michael Young, Angelia Lamb, and Tenita Smoke, arrived at the City of El Dorado/El Dorado Water Utility's Pretreatment office at 8:30 AM on 01/14/2025 for an announced Pretreatment Compliance Inspection (PCI). We met with Kris Winder the El Dorado Water Utilities Pretreatment Coordinator, and Amanda Gallagher with Alliance Technical Group, a consultant for El Dorado Water Utilities. We presented our credentials to Mr. Winder and informed him that this was an EPA inspection to determine compliance with the Clean Water Act (CWA), General Pretreatment Regulations at 40 CFR Part 403, as well as the facility's National Pollutant Discharge Elimination System (NPDES) permit and approved industrial pretreatment program. The City of El Dorado/El Dorado Water Utilities is hereafter referred to as the "Control Authority" of the Industrial Pretreatment Program authorizing Industrial Users (IUs) to discharge industrial wastewater to the City of El Dorado Publicly Owned Treatment Works (POTW). The inspection was conducted under the authority of the NPDES permit program, in accordance with the Federal CWA. This report is based on information supplied by Control Authority representatives (the permittee), observations made by the EPA inspector, and records and reports maintained by the permittee, the State of Arkansas, and the EPA.

FACILITY DESCRIPTION

The Control Authority operates two POTW wastewater treatment facilities, the North Plant and the South Plant. The North Plant holds NPDES Permit Number AR0033936 and is permitted for an effluent flow of 5.0 MGD, with an average actual flow between 2.4 and 4.8 MGD. The South Plant holds NPDES Permit Number AR0033723 and is permitted for an effluent flow of 7.0 MGD, with an average actual flow between 2.8 and 6.9 MGD.

The North Plant has a treatment system consisting of two aerated lagoons and one facultative lagoon in series. Following the lagoon system are four Dissolved Air Flotation (DAF) units. During normal operations, DAF units are operated in cycle that allows two units to run and switch back and forth. The North Plant can go over twenty-four (24) hours without a discharge. There is no disinfection, and sampling is conducted at a manhole prior to a set of pumps that deliver the treated wastewater to the Ouachita Joint Pipeline where ultimately the water is discharged to the Ouachita River under permit AR0050296. Outfall 001 is still permitted to discharge to Mill Creek if the Pipeline is not in operation and the sampling would be conducted under Part IA for Outfall 001. Sludge from the DAF units is directed back into the lagoons.

The South Plant has a treatment system consisting of two aerated lagoons and two facultative lagoons in series. Following the lagoon system are four Dissolved Air Flotation (DAF) units. During normal operations, DAF units are operated in cycle that allows two units to run and switch back and forth. The South Plant is not operated with a continuous, 24-hr discharge and DAF units are only operated when

there is a discharge produced. Sludge from the DAF units is directed back into the second aerated lagoon. The South Plant has a chlorine contact chamber and the ability to dose with chlorine, if needed, but they do not use disinfection. Treated wastewater is sampled prior to entering the Ouachita Joint Pipeline where ultimately the water is discharged to the Ouachita River under permit AR0050296. Outfall 001 is still permitted to discharge to Bayou de Loutre if the Pipeline is not in operation and the sampling would be conducted under Part IA for Outfall 001.

Part II: Other Requirements in both NPDES permits (AR0033936 and AR0033723) contain Contributing Industries and Pretreatment Requirements that require the permittee to operate an industrial pretreatment program in accordance with Section 402(b)(8) of the Clean Water Act (CWA), the General Pretreatment Regulations (40 CFR Part 403) and the approved POTW Industrial Pretreatment Program submitted to and approved by ADEQ.

The Control Authority's pretreatment program was originally approved by ADEQ, under the Arkansas Water and Pollution Control Act, on March 22, 1985, modified on August 16, 2002, and once again modified and approved on January 24, 2013, to be compliant with the October 2005 Streamlining revisions to the Federal Pretreatment Regulations in 40 CFR Part 403. The Industrial Pretreatment Program is incorporated by reference into both AR0033936 and AR0033723 in accordance with 40 CFR Part 403.8(c). The Control Authority's Industrial Pretreatment Program is stated to consist of the following major components: statement of legal authority with a locally approved Sewer Use Ordinance; description of resources and staffing which includes a full-time pretreatment coordinator; development and adoption of technically based Local Limits (TBLLs); written implementation procedures outlining how the Control Authority will routinely update its IU survey to identify potential significant industrial users (SIUs) and categorical industrial users (CIUs); permit, monitor, and inspect SIUs and CIUs, review self-monitoring data and reports; and implement and enforce a written Enforcement Response Plan (ERP) to remedy any IU non-compliance.

Section II – OBSERVATIONS

Observation: 001
Area: Legal Authority; as required by 40 CFR 403.8(f)(1)
Locally approved Sewer Use Ordinances that are currently in effect include: • Ordinance Number 1622: is known as the Sewer Use Ordinance; and was approved on 01/04/2001. "An ordinance regulating the use of public and private sewers, and the discharge of water and wastes into the public sewer system: and providing penalties for violations thereof: in the City of El Dorado, State of Arkansas." • Ordinance Number 1838: is known as the Pretreatment Ordinance; was approved on 01/24/2013 and is stated to "complement" Ordinance Number 1622. Other Sewer Use Ordinances that were provided as part of the Control Authority's Industrial Pretreatment Program but may no longer be in effect are shown below. It is not clear if these

Observation: 001

ordinances have been repealed or replaced. No additional ordinances were provided during this inspection.

- Ordinance 1438: does not have a title, defines the term “sanitary sewer service line” and declares an increase in wastewater service charges; was approved on 07/06/1989.
- Ordinance Number 1569: does not have a title, declares the monthly water usage rates for customers of El Dorado Water Utilities; was approved on 08/06/1998.

Observation #: 002

Area: Procedures (also known as the Industrial Pretreatment Program); as required by 40 CFR 403.8(f)(2)

The Control Authority’s Industrial Pretreatment Program is maintained in a hard-copy notebook with a date of August 2000. There are numerous hand-written notes in the notebook stating that various portions need to be updated, but updates had not been completed.

Observation #: 003

Area: Funding (sufficient resources and qualified personnel); as required by 40 CFR 403.8(f)(3)

The Control Authority’s Industrial Pretreatment Program stated that they operate its Pretreatment Program by sharing various program tasks among its staff. The Pretreatment Coordinator is responsible for the day-to-day operation of the program and serves as the initial reviewer of permit applications. However, the General Manager is the final reviewer. The Pretreatment Coordinator is responsible for establishing the monitoring schedule along with records and filing procedures, review of compliance reports, and initiating noncompliance actions against any IU not complying with its particular wastewater contribution permit. The final decision of enforcement is the decision of the General Manager with the concurrence of the El Dorado Water Utilities Commission.

Mr. Winder explained that he conducts all IU sampling, all sampling for both El Dorado POTWs, and all the Ouachita Joint Pipeline sampling. Mr. Winder was not conducting the pretreatment coordinators responsibilities described above and did not appear to have time for any day-to-day operations of the pretreatment program.

The Control Authority’s Industrial Pretreatment Program also states that the EL Dorado Water Utilities currently has agreements with a consulting engineer and an attorney to assist in the day-to-day operation and enforcement of the Pretreatment Program. The Utility currently performs enforcement sampling and has an agreement with a certified wastewater laboratory to provide analytical services for all industrial monitoring.

At the time of the inspection, Ms. Gallagher of The Alliance Technical Group (Consulting Engineer) had limited knowledge of day-to-day operations and enforcement of the Pretreatment Program. The agreements with a consulting engineer and an attorney were not reviewed during the inspection.

Observation #: 004

Area: Local Limits; as required by 40 CFR 403.8(f)(4) and 403.5(c)(1),

Sample data collected from IUs was provided by the Control Authority to ADEQ in 1999. ADEQ used the data to set Maximum Allowable Headworks Levels (concentrations), but did not provide the Control Authority with any calculations or other rationalizations for the Levels set. ADEQ's assigned Maximum Allowable Headworks Levels for the Control Authority were:

Maximum Allowable Headworks Level (MAHL)

Pollutant	Concentration, mg/l
Arsenic	0.02
Cadmium	0.01
Chromium	0.42
Copper	0.09
Cyanide	0.02
Lead	0.01
Mercury	0.00003
Molybdeum	0.02
Nickel	0.12
Selenium	0.01
Silver	0.01
Zinc	0.30

These Maximum Allowable Headworks Levels were used to set Local Limits as stated in the Control Authority's Industrial Pretreatment Program: "For cadmium, chromium, copper, cyanide, lead, nickel, silver, and zinc metal finishing pretreatment standards for new sources are adopted as guideline standards. For arsenic, mercury, molybdenum and selenium the maximum monthly average concentrations were set at 10 times the [Maximum Allowable Headworks Levels], and the daily maximum concentrations were set at two times the maximum monthly average concentrations. No person shall discharge any waters or waste at a concentration that would exceed the pollutant concentrations of pollutants as listed in the Guideline Local Limits Table."

Guideline Local Limits

Pollutant	Monthly Average Concentration, mg/l	Daily Maximum Concentration, mg/l
Arsenic	0.2	0.4
Cadmium	0.07	0.11
Chromium	1.71	2.77
Copper	2.07	3.38
Cyanide	0.65	1.20
Lead	0.43	0.69
Mercury	0.0003	0.0006
Molybdeum	0.2	0.4
Nickel	2.38	3.98
Selenium	0.10	0.20
Silver	0.24	0.43
Zinc	1.48	2.61

It was explained that EPA's promulgation of categorical standards does not relieve a POTW from its obligation to evaluate the need for and to develop Local Limits to meet the general and specific prohibitions in the General Pretreatment Regulations. Because specific prohibitions and categorical standards provide only general protection against pass through and interference, Local Limits based on POTW-specific conditions are necessary. EPA recommends that POTWs base their Local Limits on the maximum allowable headworks **loading** (MAHL) that can be received at a POTW's headworks without causing pass through or interference, calculated for each pollutant of concern. MAHLs and Local limits should be calculated separately for each POTW. Guidance on Local Limit development is available from EPA: https://www3.epa.gov/npdes/pubs/final_local_limits_guidance.pdf

Observation #: 005
Area: Enforcement Response Plan; as required by 40 CFR 403.8(f)(5)
Appendix E of the Industrial Pretreatment Program contains the Enforcement Response Plan. Mr. Winder explained that the Control Authority currently conducts all IU monitoring activities (El Dorado Water Utilities Pretreatment Program – 6.0 Monitoring Program 6.4 Industrial Self-Monitoring). He stated that the Enforcement Response Plan has not been used because there have been no violations. He further explained that unannounced on-site inspections of IUs are not conducted, instead the IU fills out the inspection form and sends it in.

Observation #: 006
Area: Industrial User List; as required by 40 CFR 403.8(f)(6)
An IU Survey was not provided at the time of the inspection. Mr. Winder stated that the Control Authority has had very little success getting local businesses to reply to their requests for response to the IU Surveys.

Observation #: 007
Area: Industrial User List; as required by 40 CFR 403.8(f)(6)
The following IUs were observed to have permits at the time of the inspection: 1. AmerCable Incorporated (AmerCable) – IU Permit #003 2. Milbank Manufacturing Co. (Milbank) – IU Permit #005 3. Lycus Ltd. (Lycus) – IU Permit #007 4. Delek US – El Dorado Refinery Delek) – IU Permit #008 (Note that the permit was issued to Lion Oil Company) 5. TAS Environmental Services, L.P. (TAS) – IU Permit #009 (note that the permit was issued to Duckwater Services, LLC)

Section III – AREAS OF CONCERN

AOC Reference #: 001	**Area**: Legal Authority; as required by 40 CFR 403.8(f)(1)
Requirement: 40 CFR 403.8(f)(1)(iii)(B)(*3*)	
(B) Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions: (*3*) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, Local Limits, and State and local law;	
NPDES Permit AR0033936/AR0033723, Part II: Contributing Industries and Pretreatment Requirements (A)(4)c.	
(4) The permittee shall control through permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under 40 CFR Part 403.3 (v), this control shall be achieved through individual control mechanisms, in accordance with 40 CFR Part 403.8(f)(1)(iii). Control mechanisms must be enforceable and contain, at a minimum, the following conditions: … c. Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards, categorical Pretreatment Standards, Local Limits, and State and local law.	
AOC 001A: The Control Authority issued ***unenforceable*** control mechanisms to IUs that contribute to the POTW. The issued control mechanisms did not contain enforceable effluent limits or a process for evaluating monitoring results for compliance or inclusion of effluent limitations in future permits. Many of these monitoring-only parameters were noted to have been in multiple previous iterations of the IU's permits, going back at least 15 years in some cases, all without effluent limits.	
Additional Notes: 1. Lycus' IU control mechanism #007 requires sampling and monitoring of Volatile Organic Acids (1 month/grab), Base Neutrals (2 year/grab), and Total Phenols (2 year/grab). The control mechanism has no enforceable parameter limitation or process for review of the monitoring results for the listed parameters. 2. Delek's IU control mechanism #008 requires sampling and monitoring of Base Neutrals and Acid Compounds (semi-annually / grab), Organophosphorus Pesticides (semi-annually / grab), Organochlorine Pesticides and PCB's (semi-annually / grab), Volatile Organic Acids (semi-annually / grab), and Total Phenols (semi-annually / grab) on two (2) outfalls. The control mechanism has no enforceable parameter limitations nor process for review of the monitoring results for the listed parameters. 3. TAS's IU control mechanism #009 requires sampling and monitoring of "BNA (annually/grab), VOA (annually/grab), PEST/PCBs (annually/grab), and 2,3,7,8, TCDD (annually/grab)." Note that these acronyms were not defined in permit #009. The control mechanism has no enforceable parameter limitations nor process for review of the monitoring results for the listed parameters.	

AOC Reference #: 001	**Area**: Legal Authority; as required by 40 CFR 403.8(f)(1)

AOC 001B:

The control mechanisms that the Control Authority issued to IUs do not include all relevant categorical Pretreatment Standards and/or Local Limits, nor a waiver with an explanation as to the basis for excluding any pollutants.

Additional Notes:

1. AmerCable's IU control mechanism does not include relevant categorical Pretreatment Standards, nor the Local Limits arsenic, cadmium, chromium, cyanide, mercury, molybdenum, nickel, selenium, or silver.
2. Milbank's IU control mechanism does not include the Local Limits arsenic, mercury, and selenium.
3. Lycus's IU control mechanism does not include relevant categorical Pretreatment Standards, nor the Local Limits arsenic, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, selenium, and silver.
4. Delek's IU control mechanism does not include the local limit silver.
5. TAS's IU control mechanism does not include the local limit cyanide.

AOC Reference #: 002	**Area**: Legal Authority; as required by 40 CFR 403.8(f)(1)

Requirement: 40 CFR 403.8(f)(1)(iii)(B)(4)

> Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions: (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with 403.129(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403.12 of this chapter, categorical Pretreatment Standards, Local Limits, and State and local law;

AOC 002:

The Control Authority issued ***unenforceable*** control mechanisms to IUs that contribute to the POTW. The Control Authority's practice of conducting all self-monitoring for IUs rendered Control Mechanism #009 unenforceable.

Additional Notes:

Control Mechanism #009, Part IV. 2., issued to Duckwater Services, LLC (TAS) with an effective date of 10/01/2020, requires that:

"All discharges shall be batch discharges. The IU will notify the control authority when a batch is ready to be discharged. The control authority will sample the batch and send samples for analysis. When results are received, the IU will be notified to begin discharging if results are acceptable. Any batches deemed unacceptable by the control authority shall be disposed of at an alternate, preapproved, disposal facility."

AOC Reference #: 002	**Area**: Legal Authority; as required by 40 CFR 403.8(f)(1)

The Control Authority was conducting all self-monitoring required by the IU as process control samples *not batch discharge samples as required*. Batch discharges are defined as a quantity of material that is isolated from either outflow or inflow from the time it is identified as a batch, i.e. a batch accumulated for direct discharge shall be an accumulation of treated material that is then isolated from any further inflow or processing.

The Control Authority was allowing isolated treated batches that failed discharge analysis to be 'reprocessed' creating a 'New Batch' that was only sampled for the parameters that had failed the first batch analysis. The permit did not address reprocessing and treating the 'New Batch' as a batch discharge that must be resampled for all parameters. In addition, batches that did not pass permit requirements were not deemed unacceptable and forced to be disposed of at an alternate, preapproved, disposal facility.

See Appendix 3 – Industrial User Inspection – TAS Environmental Services, 01/15/2025

AOC Reference #: 003	**Area**: Legal Authority; as required by 40 CFR 403.8(f)(1)

Requirement: 40 CFR 403.8(f)(1)(iv)(B)

> (iv) Require (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in § 403.12.

AOC 003:

The Control Authority is not requiring any IUs to submit self-monitoring reports as required. Milbank was conducting EPA approved compliance sampling for zinc of their discharge but not submitting results to the Control Authority as required.

Additional Notes:
See additional IU reports attached in Appendices 3 through 7

AOC Reference #: 004	**Area**: Procedures; as required by 40 CFR 403.8(f)(2)

Requirement: 40 CFR 403.8(f)(2)(i)

> (2) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of the Pretreatment Program... (i) Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program. Any compilation, index or inventory of Industrial Users made under this paragraph shall be made available to the to the Regional Administrator or Director upon request.

AOC 004:

A current compilation, index or inventory of IUs was not provided at the time of the inspection as required. Procedures were not detailed, implemented or pursued to provide accurate or an inclusive compilation, index or inventory of IUs or to follow up with industries that failed to respond to the IU Survey request.

AOC Reference #: 005	**Area**: Procedures; as required by 40 CFR 403.8(f)(2)
Requirement: 40 CFR 403.8(f)(2)(ii)	
(2) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of the Pretreatment Program... (ii) Identify the character and volume of pollutants contributed to the POTW by Industrial Users identified under paragraph (f)(2)(i) of this section. This information shall be made available to the Regional Administrator or Director upon request.	
Requirement: NPDES Permit AR0033936/AR0033723, Part II: Contributing Industries and Pretreatment Requirements 6.A.(1)	
A. The permittee shall operate an industrial pretreatment program in accordance with Section 402(b)(8) of the Clean Water Act (CWA), the General Pretreatment Regulations (40 CFR Part 403) and the approved POTW pretreatment program submitted by the permittee. ... The POTW pretreatment program is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements: (1) Industrial user information shall be updated at a frequency adequate to ensure that all IUs are properly characterized at all times.	
AOC 005: The Control Authority is not properly characterizing the IUs that contribute to the POTW. It is not clear from either the Annual Report, or the IU control mechanisms, which IUs are subject to categorical Pretreatment Standards. There are no records of Baseline Monitoring Reports or any other sampling events that evaluated all *potential* pollutants discharged from each IU. Many SIUs are not required to sample for all Local Limits, and there is no historic evidence that these IUs are not discharging those pollutants.	
Additional Notes: 1. AmerCable's contribution to the POTW was not properly identified for its categorical character or volume. 2. Lycus' contribution to the POTW was not properly identified for its categorical character. The Control Authority was not aware of the process wastewater discharge from RA-1 due to the lack of compliance monitoring as detailed. 3. TAS's batch discharges are not being sampled appropriately to characterize actual discharges.	

AOC Reference #: 006	**Area**: Procedures; as required by 40 CFR 403.8(f)(2)
Requirement: 40 CFR 403.8(f)(2)(v)	
(2) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of the Pretreatment Program... (v) Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activates in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year, except as otherwise specified...	

AOC Reference #: 006	**Area**: Procedures; as required by 40 CFR 403.8(f)(2)

Requirement: NPDES Permit AR0033936/AR0033723, Part II: Contributing Industries and Pretreatment Requirements (A)(2)

> (A) The permittee shall operate an industrial pretreatment program in accordance with Section 402(b)(8) of the Clean Water Act (CWA), the General Pretreatment Regulations (40 CFR Part 403) and the approved POTW pretreatment program submitted by the permittee. ... The POTW pretreatment program is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements: (2) The frequency and nature of industrial user compliance monitoring activities by the permittee shall be commensurate with the character, consistency and volume of waste. The permittee must inspect and sample the effluent from each Significant Industrial User in accordance with 40 C.F.R. § 403.8(f)(2)(v). *This is in addition to any industrial self-monitoring activities.*

Requirement: El Dorado Water Utilities Industrial Pretreatment Program, Section 6.0 Monitoring Program

> 6.2 The Control Authority shall perform compliance monitoring to provide an unannounced check of industrial discharges to the POTW system. Unscheduled monitoring shall be used to perform compliance monitoring on all categorical and significant noncategorical IUs at least semi-annually. Unannounced visits and sampling shall be used to verify compliance. Monitoring parameters and minimum frequency shall be described in each SIUs wastewater permit. Unscheduled monitoring shall include: (1) Sampling and analysis monitoring performed on an unannounced basis, with the SIU at normal operation (2) At a minimum, semi-annual unscheduled sampling and analysis monitoring for each SIU (3) At a minimum, one unannounced SIU on-site inspections per year of plant operations and pretreatment activities.

AOC 006:

The Control Authority is not conducting required random sampling and surveillance activities in accordance with the Pretreatment Regulations or their own procedures. Mr. Winder explained that on-site inspections of IUs are not conducted, instead the IUs fill out the inspection form themselves (often by copying previous inspection report forms word-for-word) and send them in. The Control Authority is not performing any analysis on sampling data to identify non-compliance. The Control Authority is not conducting the following unscheduled monitoring as required in the Industrial Pretreatment Program:

1. Sampling and analysis monitoring performed on an unannounced basis, with the SIU at normal operation
2. At a minimum, semi-annual unscheduled sampling and analysis monitoring for each SIU
3. At a minimum, one unannounced SIU on-site inspections per year of plant operations and pretreatment activities.

Mr. Winder explained that he conducts all IU self-monitoring activities. No additional sampling is conducted.

Additional Notes:

See additional IU reports attached in Appendices 3 through 7

AOC Reference #: 007	**Area**: Procedures; as required by 40 CFR 403.8(f)(2)
Requirement: 40 CFR 403.8(f)(2)(vii)	
(2) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of the Pretreatment Program... (vii) Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under 403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions...	
Requirement: 40 CFR 403.12(b)	
Reporting requirements for industrial users upon effective date of categorical pretreatment standard—baseline report. Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under § 403.6(a)(4), whichever is later, existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Control Authority a report which contains the information listed in paragraphs (b)(1)-(7) of this section.	
AOC 007: Control Authority is not requiring SIUs and CIUs to submit reports. There are no records of Baseline Monitoring Reports or any other sampling events that evaluated all potential pollutants discharged from each SIU and CIU. Many SIUs are not required to sample for all Local Limits or applicable categorical limits, and there is no historic evidence that these SIUs/CIUs are not discharging those pollutants.	
Additional Notes: See additional IU reports attached in Appendices 3 through 7	

AOC Reference #: 008	**Area**: Procedures; as required by 40 CFR 403.8(f)(2)
Requirement: 40 CFR 403.8(f)(2)(vii)	
(2) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of the Pretreatment Program... (vii) Investigate instances of noncompliance with Pretreatment Standards and Requirements, as indicated in the reports and notices required under 403.12, or indicated by analysis, inspection, and surveillance activities described in paragraph (f)(2)(v) of this section. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions...	
Requirement: El Dorado Water Utilities Industrial Pretreatment Program; Control Mechanism #009, Part IV. 2., issued to Duckwater Services, LLC (TAS) with an effective date of 10/01/2020	
"All discharges shall be batch discharges. The IU will notify the control authority when a batch is ready to be discharged. The control authority will sample the batch and send samples for analysis. When results are received, the IU will be notified to begin discharging if results are acceptable.	

	Any batches deemed unacceptable by the control authority shall be disposed of at an alternate, preapproved, disposal facility."

AOC 008:

The Control Authority was not following their own Control Mechanism #009, issued to Duckwater Services, LLC, which does not allow for resampling followed by discharge for failing batches. Batches that did not pass permit requirements were not deemed unacceptable and forced to be disposed of at an alternate, preapproved, disposal facility.

Additional Notes:
See Appendix 3 – TAS Environmental Services, 01/15/2025

AOC Reference #: 009	**Area**: Procedures; as required by 40 CFR 403.8(f)(2)

Requirement: 40 CFR 403.8(f)(2)(viii)(G)

(viii) Comply with the public participation requirements of 40 CFR part 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates paragraphs (f)(2)(viii)(C), (D), or (H) of this section) is in significant noncompliance if its violation meets one or more of the following criteria: (G) Failure to accurately report noncompliance; (H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

Requirement: El Dorado Water Utilities Industrial Pretreatment Program; Control Mechanism #007, Part II: 1. Issued to Lycus Ltd. with an effective date of 10/01/2020

PART II – SPECIAL CONDITIONS

1. The intent of this permit is to only authorize the discharge of domestic wastewater and the aforementioned holding tank (consisting of boiler blowdown, cooling tower blowdown, and condensate wastewater). No process wastewater shall be accepted. Introduction of any other wastewater without prior POTW approval shall be cause for immediate revocation of this permit and termination of sewer services.

AOC 009:

At the time of this inspection, process wastewater was being discharged by Lycus Ltd. to the Control Authority. The violation was not reported by Lycus personnel, nor was it flagged as non-compliance by the Control Authority nor reported as Significant Non-Compliance in a newspaper.

AOC Reference #: 010	**Area**: Funding; as required by 40 CFR 403.8(f)(3)
Requirement: 40 CFR 403.8(f)(3)	
Funding. The POTW shall have sufficient resources and qualified personnel to carry out the authorities and procedures described in paragraphs (f)(1) and (2) of this section.	
Requirement: NPDES Permit AR0033936/AR0033723, Part II: (6)	
(6) The permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program.	
AOC 010: Mr. Winder explained he conducts all IU monitoring activities, as well as all compliance sampling at both El Dorado POTWs and the Ouachita Joint Pipeline. Mr. Winder was not conducting the described Pretreatment Coordinator's responsibilities. He appeared to have no time to perform and complete responsibilities other than sampling activities. The Consulting Engineer appeared to have limited day-to-day knowledge of the program and did not appear to be involved in daily operations.	

AOC Reference #: 011	**Area**: Local Limits; as required by 40 CFR 403.8(f)(4) and 403.5(c)(1)
Requirement: 40 CFR 403.8(f)(4)	
(4) ***Local Limits.*** The POTW shall develop Local Limits as required in 40 CFR 403.5(c)(1) or demonstrate that they are not necessary.	
Requirement: 40 CFR Part 403.5(c)(1)	
(c) ***When specific limits must be developed by POTW.*** (1) Each POTW developing a POTW Pretreatment Program pursuant to 40 CFR 403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a)(1) and (b) of this section. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.	
Requirement: NPDES Permit AR0033723, Part II: 6.B.	
6. Contributing Industries and Pretreatment Requirements B. The permittee shall establish and enforce specific limits to implement the provisions of 40 CFR 403.5(a) and (b), as required by 40 CFR 403.5(c). The permittee shall submit, within sixty (60) days of the effective date of this permit, (1) a **WRITTEN CERTIFICATION** that a technical evaluation has demonstrated that the existing technically based Local Limits (TBLLs) are based on current state water quality standards and are adequate to prevent pass through of pollutants, inhibition of or interference with the treatment facility, worker health and safety problems, and sludge contamination, or (2) a **WRITTEN NOTIFICATION** that a technical evaluation revising the current TBLLs will be submitted within 12 months of the effective date of this permit.	
Requirement: 40 CFR 403.5(a)(2)	
AOC 011: Local limits were not calculated by the Control Authority specific to each POTW, they were provided by ADEQ and adopted in the Control Authority's Industrial Pretreatment Program with a date of August 2000. The Control Authority does not have the calculations to reference, or to use to verify their legitimacy. The Control Authority was not able to show evidence that their Local Limits have	

AOC Reference #: 011	**Area**: Local Limits; as required by 40 CFR 403.8(f)(4) and 403.5(c)(1)
been checked or recalculated to account for changes in POTW design or water quality standards, in over 25 years.	
Additional Notes: In accordance with 40 CFR 403.5(a)(2), an IU may have an affirmative defense in an action brought against it alleging a violation of the general and specific prohibitions [40 CFR 403.5(a)(1) and 40 CFR 403.5(b)] if they did not know or have reason to know their discharge would cause pass through or interference, and if their discharge was within the Local Limits. The Control Authority is responsible for ensuring that their own limits are appropriate for their POTWs. Appropriate available EPA Guidance was not used to calculate their Local Limits. Using the metal finishing categorical limits as Local Limits for all IUs discharging to either of their POTWs is a misapplication of the categorical limits, which may not protect the POTWs from passthrough or interference.	

AOC Reference #: 012	**Area**: Enforcement Response Plan; as required by 40 CFR 403.8(f)(5)
Requirement: El Dorado Water Utilities Industrial Pretreatment Program, Section 6.0 Monitoring Program, Appendix E: Enforcement Response Plan – I. Monitoring: A. Scheduled Monitoring:	
(2) On-site inspections by the Control Authority of Significant Industrial Users may be scheduled as needed to inspect operations to ensure that information filed with the Control Authority is up to date, pretreatment facilities (if any) are being operated properly, and no intentional dilution of wastewater is occurring.	
AOC 012: Enforcement response plan is not being followed. IUs with multiple effluent limit violations are resampled until the sample results are below effluent limits. Enforcement on non-compliance has not been taken in at least the last 10 years.	
Additional Notes: See additional IU reports attached in Appendices 3 through 7	

AOC Reference #: 013	**Area**: Industrial User List; as required by 40 CFR 403.8(f)(6)
Requirement: 40 CFR 403.8(f)(6)	
40 CFR 403.8(f)(6): The POTW shall prepare and maintain a list of its Industrial Users meeting the criteria in 403.3(v)(1). The list shall identify the criteria in 403.3(v)(1) applicable to each industrial user and, where applicable, shall also indicate whether the POTW has made a determination pursuant to 403.3(v)(2) that such Industrial User should not be considered a Significant Industrial User. The initial list shall be submitted to the Approval Authority pursuant to 403.9 or as a non-substantial modification pursuant to 403.18(d). Modifications to the list shall be submitted to the Approval Authority pursuant to 403.12(i)(1).	
Requirement: NPDES Permit AR0033936/AR0033723, Part II: Contributing Industries and Pretreatment Requirements 6.A.(1)	

	A. The permittee shall operate an industrial pretreatment program in accordance with Section 402(b)(8) of the Clean Water Act (CWA), the General Pretreatment Regulations (40 CFR Part 403) and the approved POTW pretreatment program submitted by the permittee. ... The POTW pretreatment program is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements: (1) Industrial user information shall be updated at a frequency adequate to ensure that all IUs are properly characterized at all times.
AOC 013: An IU list is not being maintained or updated to properly identify or characterize all IUs. No list of properly identified, IUs, SIUs or CIUs was provided.	
Additional Notes: See additional IU reports attached in Appendices 3 through 7	

AOC Reference #: 014	**Area**: Reporting; as required by 40 CFR 403.12
Requirement: 40 CFR 403.12(i)	
	(i) ***Annual POTW reports.*** POTWs with approved Pretreatment Programs shall provide the Approval Authority with a report that briefly describes the POTW's program activities... The report required by this section shall be submitted no later than one year after approval of the POTW's Pretreatment Program, and at least annually thereafter, and must include, at a minimum, the applicable required data in appendix A to 40 CFR part 127. The report required by this section must also include a summary of changes to the POTW's pretreatment program that have not been previously reported to the Approval Authority and any other relevant information requested by the Approval Authority.
Requirement: NPDES Permit AR0033936/AR0033723, Part II: 6.C.	
	C. The permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in 40 C.F.R. Part 122, Appendix D (NPDES Application Testing Requirements) Table II at least once per year and the toxic pollutants in Table III at least four (4) times per year (quarterly). If, based upon information available to the permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V of 40 C.F.R. Part 122, Appendix D, or any other pollutant, known or suspected to adversely affect treatment plant operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least four (4) times per year (quarterly) on both the influent and the effluent.
AOC 014: The Control Authority did not report influent and effluent levels of any pollutants from Tables II or V in their Annual Reports from 2022.	
Additional Notes: 1. Table II (Organic Toxic Pollutants) includes Volatiles, Acid Compounds, Base/Neutrals, and Pesticides. 2. Table V (Hazardous Substances Required to be Identified by Existing Discharger if Expected to Be Present) includes phosgene, resorcinol, and xylene, which are known to be present at Lycus.	

Section IV – CLOSING CONFERENCE

EPA Region 6 inspectors conducted a closing conference for the inspection with Control Authority personnel at 12:38 PM on 01/16/2025. During the closing conference, Amy Andrews and Kenneth AuBuchon reviewed the Areas of Concern noted during the inspection.

Section V – FOLLOW UP

The following information was received by EPA on 01/27/2025 and 01/31/2025, after exiting the Facility on 01/16/2025:

- City of El Dorado Pretreatment Program
- Sludge monitoring laboratory results
- IU Permit files for TAS, AmerCable, Milbank, Lycus, and Delek

Section VI – LIST OF APPENDICES

Appendix 1 – Opening And Closing Conference Sign-In Sheets
Appendix 2 – Selected pages from City of El Dorado Pretreatment Program
Appendix 3 – Industrial User Inspection – TAS Environmental Services (Duckwater), 01/15/2025
Appendix 4 – Industrial User Inspection – AmerCable, 01/15/2025
Appendix 5 – Industrial User Inspection – Milbank, 01/15/2025
Appendix 6 – Industrial User Inspection – Lycus, 01/15/2025
Appendix 7 – Industrial User Inspection – Delek U.S. (Lion Oil), 01/16/2025

Appendix 1
Opening and Closing Conference Sign-in Sheets

Opening / Closing Inspection Meeting Sign in Sheet

Date and Time: 01/14/25 08:30 City of El Dorado

Name	Title	Representing	Business Card (initial)	Credentials Presented (initial)
Kenneth AuBuchon	Env. Engr	US EPA		–
Silvia Zavala	~~WET~~ / Pretreatment Env. Scientist	US EPA R6		
Michael Young	ADEQ Insp. Sup.	Ark. E+E		
Angelia Lamb	ADEQ Insp	AR E+E	AL	
Amy Andrews	Pretreatment Enforcement Coordinator	US EPA R6	AEA	AEA
Amanda Gallagher	Sr. Project engineer	Alliance Technical Group		
Kris Winder	Pretreatment Coordinator	EWU		
Tenita Smoke	Water Inspector II	AR E&E		

If unable to provide the inspector a business card please fill in additional information on reverse side.

Telephone No.	Email Address
281-983-2151	aubuchon.kenneth@epa.gov
214-665-2749	zavala.silvia@epa.gov
501-837-2073	michael.young@arkansas.gov
870-312-6603	Lab@eldoradowater.com
(501) 351-8272	tenita.smoke@arkansas.gov

Opening / Closing Inspection Meeting Sign in Sheet

Date and Time: ~~8/15/25~~ 9/15/25 | 8:00 Am

Name	Title	Representing	Business Card (initial)	Credentials Presented (initial)
Ken AuBuchon	ENV. Engr.	US EPA		
Michael Young	Insp. Sup.	Arkansas E+E		
Angelia Lamb	Inspec.	AR E+E DEQ		
Silvia Zavala	Pretreatment Coord	EPA R6		
Amy Andrews	Pretreatment Enf Coord	EPA R6		
Amanda Gallagher	Sr. Project Engineer	ATG		
Michael McMahan	Treatment Super	El Dorado Water		
John M. Pepper	ENVIRONMENTAL	EL DORADO WATER		

If unable to provide the inspector a business card please fill in additional information on reverse side.

Telephone No.	Email Address

Opening / Closing Inspection Meeting Sign in Sheet

Date and Time: ~~of~~ 01/16/25

Name	Title	Representing	Business Card (initial)	Credentials Presented (initial)
Kenneth Aubuchon	EPA Engineer	US EPA	✓	
Amy Andrews	Pretreatment Enforcement Coordinator	US EPA	✓	
Amanda Gallagher	Sr. Project Engineer	ATG	✓	
Kris Winder	Pre Treatment Coordinator	EWU		
Michael Young	Ark. E+E - Insp. Sup.	Ark. E+E		

If unable to provide the inspector a business card please fill in additional information on reverse side.

Telephone No.	Email Address
~~832~~ 281-983-2151	auburchon.Kenneth@epa.gov
214-~~[illegible]~~907-0638	andrews.amy@epa.gov
870-312-6603	lab@eldoradowater.com

Appendix 2
Selected pages from City of El Dorado Pretreatment Program

TABLE OF CONTENTS

1.0 INTRODUCTION

The goal of the U.S. Environmental Protection Agency's (EPA) National Pretreatment Program is to protect municipal treatment plants (commonly called "POTWs" for publicly-owned treatment works") and the environment from the adverse impact that may occur when hazardous or toxic wastes are discharged into a sewage system. This protection is achieved mainly by regulating nondomestic Users of POTWs that discharge toxic wastes or unusually strong conventional wastes. There are four major problems that can be prevented through a properly operated local Pretreatment Program:

(1) Interference with POTW operations. Since municipal treatment systems are designed primarily to treat domestic wastes, the introduction of nondomestic wastes may effect these systems.

(2) Pass-through of pollutants. Even if pollutants do not interfere with the treatment systems, they often pass through POTWs without being removed because the systems are not designed to remove them.

(3) Municipal sludge contamination. The removal of certain pollutants by the POTW's treatment system is likely to result in contamination of its sludge.

(4) Exposure of POTW workers to chemical hazards. When combined with domestic waste, industrial wastes can produce poisonous gases and compounds which may be hazardous to POTW personnel.

EPA first issued regulations for the National Pretreatment Program on June 26, 1978. The General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR 403, see Appendix A) require that any POTW with a design flow greater than 5 million gallons per day (mgd) must establish a Pretreatment Program as a condition of its National Pollutant Discharge Elimination System (NPDES) permit.

The General Pretreatment Regulations establish prohibited discharge standards and categorical pretreatment standards to control pollutant discharges into treatment plants. Prohibited discharge standards apply to all industrial and commercial establishments connected to POTWs. Categorical pretreatment standards apply to industrial and commercial discharges in specific industrial categories determined to be the most significant sources of toxic pollutants.

Prohibited discharge standards protect the POTW's plant and operations by prohibiting the discharge of pollutants that:

(1) Any liquid, solid or gas which creates singly or by interaction with other substances a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in ASTM standards D-93-79, D-93-80, or D-3278-78 (incorporated by reference, see 40 CFR 260.11). This prohibition does not apply to any aqueous solution containing less than 24 percent alcohol by volume which would otherwise be a hazardous waste under 40 CFR 261.21 by virtue of having a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade.

(2) Any wastewater which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 6.0 or higher than 11.0. In no case shall waters or wastes be discharged at such a flow rate and/or pH which will cause the influent at the POTW treatment plant to be greater than 9.0.

(3) Any solid or viscous substance in amounts which will cause obstruction to the flow in the POTW resulting in interference.

(4) Any substance or substances, including oxygen demanding pollutants directly discharged at a flow rate or concentration level which will cause interference with the POTW.

(5) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees C (104 degrees F) unless the Approval Authority approves alternate temperature limits.

(6) Any wastewater containing concentration levels or flow rates of petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(9) Any wastewater containing toxic substances in sufficient quantity, either singly or by interaction with other substances, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters or exceed the limitations set forth in a Categorical Pretreatment Standard. A toxic substance shall include but not be limited to those identified under Section 307(a) of the Act.

(10) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharge to the POTW cause the POTW to be in noncompliance with sludge use or State or Federal disposal criteria.

(11) Any substance containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Control Authority in compliance with applicable State and Federal regulations.

(12) Any substance which will cause the POTW to violate its NPDES permit or the receiving waters' water quality standards.

Each categorical pretreatment standard is published by EPA as a separate regulation. The standard contains limits for pollutants commonly discharged by the specific industrial category. All firms regulated by a particular category are required to comply with these standards, no matter where they are located in the country.

Municipalities must use these national standards, as well as locally developed regulations, to control nondomestic Users discharging to their wastewater collection and treatment systems. The local Pretreatment Program is the legal, technical, and administrative framework for achieving effective control of such dischargers. States participate in the National Pretreatment Program because the Federal pretreatment regulations require all States that administer NPDES programs to develop and administer State pretreatment programs. The State of Arkansas administers the NPDES program through the Arkansas Department of Environmental Quality (ADEQ). ADEQ serves as the Approval Authority for pretreatment programs and has the responsibility of overseeing and coordinating the development of local pretreatment programs, and approving or disapproving local Pretreatment Program submissions or revisions.

The Pretreatment Program includes the following six general elements.

(1) Industrial Waste Survey - Identification and evaluation of the nondomestic discharges to the treatment system.

(2) Legal Authority - Operate under a legal authority that will enable the local control authority to apply and enforce the requirements of the General Pretreatment Regulations and any other State or local rules needed to control nondomestic discharges.

(3) Technical Elements/Local Limits - Characterize discharges to the treatment system and establish local effluent limits to protect the operation of the treatment plant, the quality of the receiving water, and the quality of the sludge.

(4) Compliance Monitoring - Procedures for monitoring the industrial Users to determine compliance and noncompliance.

(5) Procedures - Administrative procedures to implement and operate the Pretreatment Program.

(6) Resources - Sufficient resources(funds, equipment and personnel) to operate an effective and ongoing program.

This document outlines various Pretreatment Program requirements and serves as an instrument to implement and carry on an Industrial Pretreatment Program for the City of El Dorado. The El Dorado Water Utilities is the utility that operates the El Dorado water and sewer systems and is the Control Authority charged with the administration, operation and maintenance of the POTW and enforcement of provisions of the Sewer Use Ordinance (Ordinance No. 1622 located in Appendix B), the Pretreatment Ordinance (Ordinance No. 1621 located in Appendix C), and the User Fee and Rate Ordinance (Ordinance No. ____ located in Appendix D). Enforcement provisions are outlined in the Pretreatment Ordinance and Appendix E, the Enforcement Response Plan. The Pretreatment Program Legal Authority and Attorney's Statement are presented in Appendix F.

This document and attached Appendixes serves as a total replacement of the previous Industrial Pretreatment Program developed and implemented in April, 1984.

Refer to the above three ordinances for definitions of terms and phrases used in the Pretreatment Program.

1.1 Existing Wastewater Treatment Facilities

The City of El Dorado, 1990 census populations of 23,146, is served by two wastewater treatment facilities. The North Wastewater Treatment Facility is located north of El Dorado in Section 15, Township 17 South, Range 15 West and discharges to Mill Creek in Segment 2D of the Ouachita River Basin. The Q7 10 year low flow for Mill Creek is zero. The South Wastewater Treatment Facility is located south of El Dorado in Sections 5, 4, 8, and 9, Township 18 South, Range 15 West and discharges to Bayou de Loutre in Segment 2D of the Ouachita River Basin. The Q7 10 year low flow for Bayou de Loutre is zero.

The North Wastewater Treatment Facility has an average design capacity of 5.0 MGD and in 1999 averaged 2.27 MGD. The 1999 minimum monthly average flow to the treatment facility was 1.39 MGD. The treatment system consist of two aerated lagoons operated in series followed by a polishing pond, dissolved air flotation (DAF), and the capability for chlorine disinfection. Sludge from the DAF units is recycled to the second aerated lagoon. After approximately 20 years of recycling, the facility has been permitted to land apply the sludge that has accumulated in the second aerated lagoon. This project is currently in progress.

The South Wastewater Treatment Facility has an average design capacity of 7.0 MGD and in 1999 averaged 4.68 MGD. The 1999 minimum monthly average flow to the treatment facility was 4.22 MGD. The treatment system consist of two aerated lagoons operated in series followed by two polishing ponds, dissolved air flotation (DAF), and the capability for chlorine disinfection. Sludge from the DAF units is recycled to the second aerated lagoon. After approximately 20 years of recycling, the facility has been permitted to land apply the sludge that has accumulated in the second aerated lagoon. This project is currently in progress.

1.2 Biomonitoring Summary

Both treatment plants have been conducting quarterly chronic biomonitoring using Ceriodaphnia dubia and Pimephales promelas since Narch 1991.

Since 1993 the south plant has experienced one lethal effect for the minnows and two for the daphnia, none of which were substantiated in the retests. The north plant during the same time frame experienced two lethal effects for the minnows, neither of which were substantiated in the retests. Both plants have experienced sporadic sub-lethal effects on both species.

The utility began a comparative biomonitoring study during the second quarter of 2000. This will compare an ultraviolet treated sample with our regular sample. The first comparison was not valid since there was no statistical difference in the 100% dilution. However, in the intermediate dilutions this showed promising results.

2.0 INDUSTRIAL WASTE SURVEY

Section 403.8(f)(2) of the General Pretreatment Regulations requires the identification and location of all possible Industrial Users (IUs) subject to the Pretreatment Program, and to identify the volume and character of pollutants discharged by these Users. The Industrial Waste Survey (IWS) is used to obtained this information. Four major activities comprise the IWS:

(1) Composition of a master list of potential IUs located in the service area

(2) Survey of each of these industries to collect the necessary information

(3) Conduct follow-up activities, where needed, to obtain complete, up to date and accurate information

(4) Summarization of the data for use in the pretreatment program.

To identify IUs discharging to the collection system, the Utility's commercial and industrial sewer user files are consulted. A complete list of current IUs is listed in Appendix G. The list is updated periodically to reflect all current IUs.

Small volume dischargers, manufacturing operations which do not generate wastewater (dry manufacturing process), direct dischargers (has NPDES and/or State permit) and dischargers of sanitary wastewater only are not required to be permitted under this program. Theaters, beauty shops, barber shops, offices, warehouses, retail sales firms, and other similar IUs are also usually eliminated because their discharges typically do not contain the volume or type of significant pollutants that concern the POTW.

Hotels, motels, restaurants, and gas stations are generally not considered Significant Industrial Users (SIUs) if they do not contribute to problems in the collection system or treatment plant involving oil and grease or other discharged substances.

Once a customer has been identified as a possible SIU further information is obtained by using the Industrial Waste Survey Questionnaire and Permit Application (see Appendix H), telephone calls, and site visits.

In 1984 the El Dorado Water Utilities sent an Industrial Waste Survey Questionnaire and Permit Application to suspected SIUs. From the information obtained from the survey an initial list of SIUs was developed. Since the population of industries is dynamic, the list has been periodically updated by questionnaires and industrial site visits to reflect the industrial use of the El Dorado wastewater system. New industries are subject to permit application procedures as outlined in the Pretreatment Ordinance, and existing SIUs must notify the Control Authority prior to any change in wastewater treatment process or wastewater volume or characteristic. The information obtained from questionnaires and notifications is verified by an annual on-site SIU plant inspection by the Control Authority. Appendix I list all currently known SIUs and Non-Significant permitted IUs.

The Control Authority has notified all current and shall notify all future SIUs of applicable requirements under subtitles C and D of the Resource Conservation Act (RCRA).

3.0 LEGAL AUTHORITY

A successful local Pretreatment Program depends on adequate legal authority at the local level. The legal authorities necessary for the Pretreatment Program are listed in Section 403.8(f)(1) of the General Pretreatment Regulations. Legal authorities available to the Control Authority through the Pretreatment Ordinance are as follows:

(1) Deny or condition new or increase contributions of pollutants, or changes in the nature of pollutants discharged to the POTW

(2) Require compliance with applicable pretreatment standards and requirements by SIUs

(3) Control, through permit, contract, or other means, the contribution to the POTW by each SIU

(4) Require the development of a compliance schedule by each SIU, and the submission of all notices and monitoring reports as necessary to assure compliance

(5) Carry out all inspection, surveillance, and monitoring procedures to determine compliance independent of information supplied by the IU

(6) Obtain remedies for noncompliance by any IU, including the ability to issue administrative fines, seek injunctive relief, civil or criminal penalties in at least the amount of $1,000.00 a day for each violation, and/or collect liquidated damages

(7) Obtain effective summary relief from industrial waste discharges that endanger public health, the environment, or POTW operations

(8) Comply with the confidentiality requirements and limitations on data restrictions specified in 40 CFR 403.14.

Appendix F contains the Legal Authority Review and Attorney's Statement by the Control Authority's Attorney concerning the following:

(1) Identification of the provisions of the legal authority under Section 403.8(f)(1) that provides a basis for each procedure under section 403.(f)(2)

(2) Identification of the manner in which the Control Authority will implement the program requirements set forth in Section 403.8

(3) Identification of how the Control Authority intends to ensure compliance with pretreatment standards and requirements and to enforce them in the event of noncompliance by IUs.

4.0 TECHNICAL INFORMATION

Technical information provides the basis for a significant portion of the Pretreatment Program. The technical information is used to quantify industrial pollutants within the treatment system, establish local effluent limits for IUs, and develop an effective compliance monitoring system.

Appendix J - Industrial Discharge Limits Development, Appendix K - Conventional Pollutant Discharge Limitations and Surcharges, & Appendix L - NPDES Permit contain the following information:

(1) Descriptive background information about the POTW and its service area.

(2) Existing POTW performance data for conventional, nonconventional, and priority pollutants.

(3) Data on the sampling and analysis performed at the treatment plant and at the industry.

(4) Limitations placed on the POTW's effluent and sludge.

(5) Methodology for determining local effluent limitations.

5.0 SLUG DISCHARGE PROCEDURES PLAN

Each SIU shall plan to control slug discharges as defined under 40 CFR 403.8(f)(2)(v). A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which would violate the specific prohibitions under 40 CFR 403.5(b) and (d). Each SIU shall provide protection from slug discharge of prohibited materials or substances regulated by the Pretreatment Program. Facilities to prevent slug discharge of prohibited materials shall be provided and maintained at the SIU at the SIU's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Control Authority for review, and shall be approved by the Control Authority before construction of the facility. All existing SIUs shall complete such a plan within one year of the effective date of the Pretreatment Ordinance. Each Slug Discharge Procedures Plan shall contain, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges

(2) Description of stored chemical

(3) Procedures immediately notifying the Control Authority of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b) and (d), with procedures for follow-up written notification within five days

(4) Any necessary procedures to prevent accidental spills, inspection and maintenance of storage areas, handling and transfer of material, loading and unloading operations, control of plant site run-off, and worker training.

(5) Any necessary measures for building containment structures or equipment

(6) Any additional measures necessary for containing toxic organic pollutants (including solvents)

(7) Any necessary procedures and equipment for emergency response

(8) Any necessary follow-up practices to limit the damage suffered by the treatment plant or environment.

6.0 MONITORING PROGRAM

The overall success of the Pretreatment Program depends on a comprehensive and properly designed local monitoring program. It is through the monitoring activities that compliance with ordinance requirements are determined, User surcharges confirmed, and data is generated for annual Pretreatment Program reports and other reports required by EPA and the State. The monitoring program also identifies the IUs responsible for discharging pollutants which are potentially harmful to the pretreatment plant and/or collection system. 40 CFR 403.8(f)(2)(v) requires that each SIU be inspected and the SIU's effluent sampled at least once a year. Four types of monitoring are available in the Pretreatment Program: scheduled, unscheduled, demand/investigative, and industrial self-monitoring. Unscheduled monitoring for sampling and on-site inspection purposes is the most common monitoring of the Pretreatment Program.

6.1 Scheduled Monitoring

Scheduled monitoring involves the systematic sampling and comprehensive inspection of significant industrial contributors to the POTW system in accordance with a predetermined schedule:

(1) Sampling and analysis monitoring visits by the Control Authority may be scheduled as needed for SIU's. During the visit composite and/or grab samples may be collected and flow rate measurements performed or flow rate determinations made. Grab samples may be used if representativeness is ensured (i.e., the results can be used for compliance purposes).

(2) An on-site inspection by the Control Authority of SIU's may be scheduled as needed to inspect operations to ensure that information on file with the Control Authority is up to date, pretreatment facilities (if any) are being operated properly, and no intentional dilution of wastewater is occurring. A copy of the Industrial Inspection Report Form is located in Appendix N.

6.2 Unscheduled Monitoring

The Control Authority shall perform compliance monitoring to provide an unannounced check of industrial discharges to the POTW system. Unscheduled monitoring shall be used to perform compliance monitoring on all categorical and significant noncategorical IUs at least semi-annually. Unannounced visits and sampling shall be used to verify compliance. Monitoring parameters and minimum frequency shall be described in each SIUs wastewater permit. Unscheduled monitoring shall include:

(1) Sampling and analysis monitoring performed on an unannounced basis, with the SIU at normal operation

(2) At a minimum, semi-annual unscheduled sampling and analysis monitoring for each SIU

(3) At a minimum, one unannounced SIU on-site inspections per year of plant operations and pretreatment activities.

The following factors shall be considered in determining both the monitoring parameters and frequency:

(1) Volume of the industrial discharger

(2) Type and concentrations of pollutants in the discharge

(3) Adequacy of treatment and expected variability of discharge

(4) IU has been know or suspected to cause POTW upsets or operation and maintenance problems

(5) Past history of noncompliance problems with the industry

(6) Type of resources (labor and equipment) available to the Control Authority

(7) Monitoring requirements of industries regulated by categorical standards (Refer to 40 CFR 403.12)

6.3 Demand Monitoring or Investigative Monitoring

Demand monitoring shall be conducted in response to a known or suspected violation discovered in scheduled or unscheduled monitoring or by public complaint. Additionally, any discharge of prohibited materials can prompt demand monitoring. Demand monitoring means that when a violation is found, sampling is initiated immediately. Specific occurrences which may prompt demand monitoring at an IU are:

(1) Contribution of explosive or corrosive materials or other prohibited discharges to the sewer

(2) Operating difficulties in the wastewater treatment plant

(3) Violation of Control Authority permit requirements

(4) Violation of pretreatment regulations by an SIU as indicated by scheduled or unscheduled monitoring or POTW monitoring of a IU.

6.4 Industrial Self-Monitoring

The Control Authority currently conducts all required IU monitoring activities except in cases where the IU is adjusting pH prior to a batch discharge. In these cases the IU may be required to monitor pH and report the results to the Control Authority monthly or maintain a log of these results for the Control Authority to view as requested.

The Control Authority can require that each SIU do self-monitoring and have the results of this self-monitoring delivered to the Control Authority. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, and amendments thereto or with other test procedures approved by the EPA Administrator. Categorical and significant noncategorical IUs required to self-monitor shall submit a report to the Control Authority describing the nature, concentration, and flow of the pollutants required to be reported by the Control Authority.

Categorical IUs which are required to conduct semi-annual Total Toxic Organics (TTO) monitoring may be exempt from conducting routine (semi-annual) monitoring for TTO if they certify that toxic organics are not used in the facility or are controlled through implementation of a toxic organics management plan. The IU must submit to the Control Authority for approval a toxic organics management plan that specifies the toxic organic compounds used and the facility's methods of disposal and spill-prevention measures. The IU must also provide the Control Authority with the certification statement found in 40 CFR 433.12(a) at the time of submission of the toxic organics management plan and with all subsequent semi-annual reports on continued compliance.

Appendix M list all industries currently included in the monitoring program and the minimum sampling frequency for each industry, the pollutants to be sampled, and the type of sampling to be performed. Appendix M is updated as needed to reflect the current status of the monitoring program.

6.5 Sample Collection and Handling

SIU wastewater discharge flow measurements shall be by water supply meter readings unless the Control Authority requires the SIU to install a Control Authority approved flow monitoring station, the SIU installs a Control Authority approved flow monitoring station, or the SIU receives approval from the Control Authority to use some alternate means of flow measurement.

Sampling shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, and amendments thereto or with other procedures approved by the EPA Administrator. Three types of samples may be utilized:

(1) Grab samples - a single volume of wastewater is obtained and analyzed

(2) Simple composite samples - a timed sequential collection of equal volume grab samples combined in a single reservoir and analyzed

(3) Flow-proportioned composite samples - collecting incremental samples with volumes proportional to flow and then combined in a single reservoir and analyzed.

The following are to be considered in collecting industrial samples:

(1) Samples are to be collected in a location that is easily accessible and provides a well-mixed waste stream. Repetitive samples should always be taken in the same location. Sampling points are to be located where no discharge other than the discharge from the IU (or process) being monitored is present.

(2) Composite samples are to be collected during the industry's regular working hours. Ideally, flow-proportioned samples should be taken. At a minimum, a composite sample should consist of equal-volume samples collected at two-hour intervals.

(3) All samples must be properly preserved from the time they are collected until they are analyzed.

(4) Accurate records are to be maintained, indicating the time, date, location, type of sample, method of collection and preservation, name of person who collected the sample, and any pertinent comments (chain-of-custody, refer to Section 5.7 and Appendix N).

(5) The IUs should be encouraged to split monitoring samples with the Control Authority and have the samples analyzed by an independent laboratory qualified by the Arkansas Department of Environmental Quality. If the results of the two analyses differ, the need for further investigation, sampling, and analysis should be initiated.

6.6 Sample Analysis

All analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, and amendments thereto or with other test procedures approved by the EPA Administrator. All self-monitoring analysis shall be performed by a laboratory of the SIUs choice which has been qualified by the Arkansas Department of Environmental Quality to perform the necessary analysis. Analysis of the Control Authority samples shall be by contract commercial laboratory qualified by the Arkansas Department of Environmental Quality or by the Control Authority's in-house laboratory depending upon the current qualifications and quality assurance and control program of the in-house laboratory.

6.7 Chain-of-Custody Procedures

It is an essential portion of the Pretreatment Program that the Control Authority sampling personnel properly document the methods used to collect the sample, as well as the chain of possession of the sample from collection to analysis. It should be assumed that all data generated from sampling will be used in court. The sampling results will only be admissible in court if the Control Authority personnel can prove that a sample has been properly collected, preserved, analyzed, and has not been tampered with or mishandled.

Refer to Appendix N for chain-of-custody sampling record form. At a minimum the following record of information will be necessary to adequately address chain-of-custody concerns for each sample collected and analyzed:

(1) Name of person collecting the sample

(2) Date and time of sample collected

(3) Location of sample collection

(4) Type of sample collected

(5) Preservation used for each sample

(6) Names and signatures of any person handling the samples in the field, during transportation, and at the laboratory.

6.8 Reporting Requirements

All IU's reporting requirements shall conform to the provisions set forth in 40 CFR Part 403.12. However, since the Control Authority conducts most of the self-monitoring requirements for the IU's [403.12(g)(1)], some of the reports will not be necessary.

6.9 Permit Parameter Procedures

The process of determining permit parameters begins with the Control Authority's review of the IU's permit application. The known and suspected pollutants present in the wastestream, volume of discharge and chemical storage information are particularly important information for this determination. During this review the Control Authority may request additional information from the IU. Now that the Control Authority has a general idea of what could be expected in the discharge, a site visit will be conducted. With the information gathered from these previous steps the Control Authority will monitor the IU's total plant discharge to the City's collection system for all pollutants which have a potential for entering the City's collection system. The results from this initial monitoring event(s), along with the other information collected, will be used to determine the parameters and other monitoring requirements to be applied to the IU's total plant discharge.

The appropriate categorical parameters shall be applied to the end of the process wastestreams on all wastestreams found to be regulated by Categorical Standards.

7.0 PROGRAM PROCEDURES

Section 403.8(F)(2) of the General Pretreatment Regulations (40 CFR 403) describe the procedures required for an effective ongoing Pretreatment Program. Specifically the Control Authority must have procedures to:

(1) Identify and locate all possible IUs that might be subject to the Pretreatment Program

(2) Obtain information describing the character and volume of wastes discharged by IUs

(3) Notify industrial dischargers of any applicable pretreatment standards or other applicable State or Federal standards or requirements

(4) Review monitoring reports and other notices submitted by IUs

(5) Randomly sample and analyze the effluent from IUs

(6) Investigate instances of noncompliance with pretreatment standards and requirements

(7) Comply with public participation requirements.

7.1 Updating Industrial Waste Survey

Since the Control Authority also operates the City owned water treatment and distribution system, identification of new IUs and the updating of the industrial waste survey shall be facilitated by in-house review of water and sewer connection application activities and by review of the commercial and industrial sewer Users customers master files. In addition, the Industrial Waste Survey shall be updated through the following activities:

(1) Permits issued to SIUs shall require notification of changes in industrial processes, wastewater discharges, and/or industrial ownership

(2) Ongoing inspection and monitoring activities

(3) Periodic expiration of permits and subsequent reapplication by permit holders

(4) Periodic request for updates of information concerning industrial processes, wastewater discharges, and/or industrial ownership from SIUs.

7.2 Notification of Industrial Users of Applicable Standards and Requirements

The Control Authority is responsible for being up-to-date on all Federal pretreatment standards and applicable requirements under the Clean Water Act and Resource Conservation and Recovery Act. Such standards include Federal categorical standards, State standards, local standards and limitations, User charges and surcharges, etc. The Control Authority is also responsible for notifying any IU that may be affected by existing or newly promulgated standards and requirements.. The Control Authority Pretreatment Coordinator shall be responsible to obtain current information on the status of national categorical standards and other applicable standards and regulations. The Pretreatment Coordinator shall consult the Federal Register, Control Authority Attorney and Engineer, Arkansas State Pretreatment Coordinator, and EPA Region VI Pretreatment Coordinator and other State and Federal officials to stay abreast of existing or newly promulgated standards and requirements. The Control Authority includes compliance notification along with the results of compliance monitoring by letter each month following a sampling event.

The Control Authority also routinely accesses ADEQ hazardous waste divisions tracking system to aid in identifying hazardous waste generators within the City's collection system.

The Control Authority shall use any or all of the following mechanisms to notify IUs of pertinent standards and regulations:

(1) Individual letters to IUs

(2) Permit conditions

(3) Permit modifications

7.3 Monitoring Report Review

A process flow diagram of the Control Authority's typical review process is presented in Appendix O. Monitoring laboratory analysis and compliance reports are received and entered into the tracking sheet in each IU's file, then compared with the User's limits or schedule, and finally referred for noncompliance investigation when necessary. If the SIUs meet their effluent limits and compliance schedules, the reports are placed in the Control Authority files for future reference.

7.4 Investigation of Noncompliance Incidents

Detection of instances of noncompliance with pretreatment requirements shall be by the following means:

(1) Review of industrial monitoring reports

(2) Sampling and inspection activities at IUs

(3) Sampling of wastewater treatment plant influent and/or effluent

(4) Evaluation of treatment plant upsets.

7.5 Enforcement

Section 5 of the Pretreatment Ordinance (Appendix C) and the Enforcement Response Plan (Appendix E) outline enforcement actions available to the Control Authority for violations by any User of the POTW of any of the conditions or requirements of the Pretreatment Ordinance, or applicable state and federal laws or regulations or any provisions of a SIU's Wastewater Contribution Permit.

Enforcement actions include notification of violation, consent agreements, show cause hearings, administrative orders, administrative fines, emergency suspension of service, revocation of service, and judicial remedies of injunctive relief and civil penalties.

7.6 Public Participation Activities

Public participation is essential in maintaining the credibility of the Pretreatment Program, in working effectively with industries, and in educating the entire community on the objectives and benefits of the program. When time allows, the Control Authority will schedule public meetings during the development and implementation of any changes to the Pretreatment Program.

The Control Authority is required by 40 CFR Part 25 to keep the public informed of all cases of significant noncompliance. To accomplish this the Control Authority must publish, at least annually in the area's largest daily newspaper, the names of IUs in significant noncompliance of pretreatment standards during the previous 12 months. The notification shall also summarize any enforcement actions taken against IUs during the same 12 months. An IU is in significant noncompliance if it meets one or more of the criteria in accordance with 40 CFR 403.8(f)(2)(vii).

Information and data on a IU obtained from reports questionnaires, permit applications, permit and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the IU specifically requests and is able to demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the IU.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to the Sewer Use Ordinance, Pretreatment Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Program; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Control Authority as confidential, shall not be transmitted to any governmental agency or to the general public by the Control Authority until and unless a ten-day notification is given to the IU.

All public information concerning this program will be available for inspection and review during the hours of 8:00 AM to 4:00 PM at the office of the Control Authority (El Dorado Water Utilities, 500 North Washington, El Dorado, Arkansas, 71730).

8.0 PROGRAM ORGANIZATION, COST AND REVENUE SOURCES

The operation of the water and sewer departments for the City of El Dorado are under the direct control of the El Dorado Water Utilities Commission. The El Dorado City Council must approve Commission appointments and rate increases proposed by the utility Commission. The current organization of the El Dorado Water Utilities is shown on the staffing diagram located in Appendix P. The organization chart is updated as needed to reflect the current staffing status of the water and sewer systems.

The General Manager of the utilities is responsible for all administrative and management functions including all operation and maintenance responsibilities. Overall goals and objectives of the utilities are established by the El Dorado Water Utilities Commission with assistance from the Commission's attorney and consulting engineer. The Administrative Assistant, Office Manager, Distribution Superintendent, and Treatment Superintendent report directly to the General Manager. The Treatment Superintendent is also the Pretreatment Coordinator and has the day to day responsibility of carrying out the Pretreatment Program. The Administrative Assistant is responsible for secretarial and office support actives. The Office Manager is responsible for all day to day accounting, meter reading, data processing, cashiers, clerks and servicemen. Direct responsibility for maintenance of the water distribution and wastewater collection system is performed by the Distribution Superintendent and his crew. The Treatment Superintendent has direct responsibility for the operation of wastewater treatment activities including laboratory and maintenance personnel.

El Dorado operates its Pretreatment Program by sharing various program tasks among its staff. As stated above, the Pretreatment Coordinator is responsible for the day to day operation of the program and serves as the initial reviewer of permit applications. However, the General Manager is the final reviewer. The Pretreatment Coordinator is responsible for establishing the monitoring schedule along with records and filing procedures, review of compliance reports, and initiating noncompliance actions against any IU not complying with its particular wastewater contribution permit. The final decision of enforcement is the decision of the General Manager with the concurrence of the El Dorado Water Utilities Commission.

The positions involved with the Pretreatment Program and the estimated time spent working solely on the program are as follows:

Position	%
General Manager	5
Administrative Assistant	10
Office Manager	5
Treatment Superintendent	20
Laboratory Technician	20
Pretreatment Technician	75

Current raw labor cost associated with the Pretreatment Program are approximately $42,800 per year with labor overhead being approximated at $12,800 per year. General laboratory material and reagent cost, operations and maintenance cost, and equipment cost are approximately $12,000 per year. Based on the above cost the total current cost associated the Pretreatment Program is $67,600 per year.

The El Dorado Water Utilities currently has agreements with a consulting engineer and an attorney to assist in the day to day operation and enforcement of the Pretreatment Program. The Utility currently performs enforcement sampling and has an agreement with a certified wastewater laboratory to provide analytical services for all industrial monitoring.

The cost associated with the Pretreatment Program are funded by the El Dorado Water Utilities operating budget. A copy of the Utility's most recent financial statement is located in Appendix Q. The Sewer Use ordinance and the Pretreatment Ordinance allow the City of El Dorado to adopt permit fees and other fees, if necessary, in order to carry out the requirements of the Pretreatment program.

APPENDIX E

ENFORCEMENT RESPONSE PLAN

I. MONITORING:

Pursuant to 40 CFR 403.8(f)(2)(v), each Significant Industrial User shall be inspected and the Significant Industrial User's effluent shall be sampled at least once per year.

A. Scheduled Monitoring:

Scheduled monitoring involves the systematic sampling of significant Users of the POTW system in accordance with a predetermined schedule:

(1) Sampling and analysis monitoring visits by the Control Authority may be scheduled as needed for Significant Industrial Users.

(2) On-site inspection by the Control Authority of Significant Industrial Users may be scheduled as needed to inspect operations to ensure that information filed with the Control Authority is up to date, pretreatment facilities (if any) are being operated properly, and no intentional dilution of wastewater is occurring.

B. Unscheduled Monitoring:

The Control Authority shall perform compliance monitoring to provide an unannounced check of industrial discharges to the POTW system. Unscheduled monitoring shall be used to perform compliance monitoring on all categorical and significant noncategorical IUs at least twice per year. Unannounced visits and sampling shall be used to verify compliance. Monitoring parameters and minimum frequency shall be described in each SIUs wastewater permit. Unscheduled monitoring shall include:

(1) Sampling and analysis monitoring performed on an unannounced basis, with the SIU at normal operation.

(2) At a minimum, two unscheduled sampling and analysis monitoring event per year for each SIU.

(3) A confidential monitoring schedule so that industry is not aware of when the monitoring will occur.

(4) At a minimum, one unannounced SIU on-site inspections per year of plant operations and pretreatment activities to ensure that information filed with the Control Authority is up to date, pretreatment facilities (if any) are being operated properly, and no intentional dilution of wastewater is occurring.

C. Demand Monitoring or Investigative Monitoring:

Demand monitoring shall be conducted in response to a known or suspected violation discovered in scheduled or unscheduled monitoring or by public complaint. Additionally, any discharge of prohibited materials can prompt demand monitoring.

D. Industrial Self-Monitoring:

The Control Authority can require that each SIU do self-monitoring and have the results of this self-monitoring delivered to the Control Authority. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, and amendments thereto or with other test procedures approved by the EPA Administrator. Categorical and significant noncategorical IUs required to self-monitor shall submit a report to the Control Authority describing the nature, concentration, and flow of the pollutants required to be reported by the Control Authority.

II. INVESTIGATION OF INSTANCES OF NONCOMPLIANCE:

User compliance dates are recorded on a calendar kept by the Pretreatment Coordinator. The calendar is checked on a regular basis.

When an NOV is issued to a User, the date on the which the notice was received by the User is recorded on the calendar and on a tracking sheet located in the IU's file and the due date for the User's corrective action plan is also recorded.

User monitoring data is reviewed immediately upon receipt. User effluent parameter concentrations are compared against local discharge limits for violations. Categorical User data is compared against the local limits and applicable categorical limits. Production-based effluent limit calculations and Combined Wastestream Formula calculations are checked for accuracy.

Monitoring data collected by the Control Authority and/or the User is reviewed by the Pretreatment Coordinator upon completion of analysis by the laboratory. Analytical data collected by the Control Authority and analytical data from User self-monitoring reports are appropriately filed for records retention and data management, see Figure 1 (located at the end of Appendix E).

If sampling performed by an IU indicates a violation, the User shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation, except the IU is not required to resample if:

(a) The Control Authority performs sampling at the IU at a frequency of at least once per month, or
(b) The Control Authority performs sampling at the IU between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

When violations are found during a site visit of an IU's facility, a verbal Notice of Violation will be given on-the-spot and formalized in letter form.

III. ENFORCEMENT RESPONSE GUIDE:

A. Background:

The Enforcement Response Guide serves two functions:

(1) Defines the range of appropriate enforcement actions based on the nature and severity of the violation and other relevant factors.

(2) Promotes consistent and timely use of enforcement remedies and eliminates uncertainty and confusion concerning enforcement.

The selected enforcement response will be appropriate to the violation. In considering appropriateness the Control Authority will consider the following criteria:

(1) The Magnitude of the Violation: The critical question here is weather the violation is a Significant Violation or a violation which is an isolated incident of minor or no consequence. For the purpose of this provision the violation is a Significant Violation if it meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph 5.5 of the Pretreatment Ordinance to halt or prevent such a discharge;

(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

(2) The Duration of the Violation: Is the violator a continuing one or only accused for a short period of time. Also, the knowledge of the User of the violation is of consideration in examining duration. The operative question is whether a reasonably prudent User would have known of the violation.

(3) Effect on the Receiving Water: One of the primary objectives of the Pretreatment program is to prevent pollutants from passing through the POTW and entering the receiving stream. Consequently, any violation which results in environmental harm will be met with a severe response. Environmental harm is presumed whenever an industry discharges a pollutant into the sewerage system which:

a. Passed through the POTW;
b. Causes a violation of the POTW's NPDES permit; or
c. Has a toxic effect on the receiving stream.

At a minimum, responses to these circumstances will include an administrative order and civil action for a fine. In addition, the response will ensure the recovery from the noncompliant user of any NPDES fine or penalty paid by the Control Authority. When appropriate, the Control Authority will also pursue damages for the destruction or harm to natural resources. If a User's discharge causes repeated harmful effects, the Control Authority will seriously consider terminating service.

(4) Effect on POTW: Some violations may have negative impacts on the POTW itself. For example, they result in significant increases in treatment cost, interfere with or harm POTW personnel, equipment, processes, operations or cause sludge contamination resulting in increased disposal costs. These violations will be met with an administrative fine or civil penalty and an order to correct the violation in addition to recovery of additional costs and expenses to repair the POTW.

(5) Compliance History of User: A pattern of recurring violations (even of different program requirements) may indicate either that the User's treatment system is inadequate or that the User has taken a casual approach to operating and maintaining its treatment system. These indications will alert the Control Authority to the likelihood of future significant violations. Accordingly, Users exhibiting recurring compliance problems will be dealt with to ensure that consistent compliance is achieved. Compliance history is an important factor for deciding which of the two or three designated appropriate remedies to apply to a particular violator. For example if a violator has a good compliance history, the Control Authority may decide to use the less severe option.

(6) Good Faith of User: The User's good faith in correcting its noncompliance is a factor in determining which enforcement response to invoke. "Good faith" may be defined as the User's honest intention to remedy its noncompliance coupled with actions which give support to this intention. Generally, a User's demonstrated willingness to comply should predispose the Control Authority to select less stringent enforcement responses. The least stringent response to any violation would be a phone call to the User and documentation of the call in the User's file. However, good faith does not eliminate the necessity of an enforcement action. For example, if the POTW experiences a treatment upset, it will recover its costs regardless of prior good faith. Good faith is typically demonstrated by cooperation and completion of corrective measures in a timely manner, however, compliance with previous enforcement orders is not necessarily good faith.

B. Enforcement Response:

(1) Definitions:

AO - Administrative Order. Includes compliance orders and cease and desist orders.

CA - City Attorney.

Civil Action - Civil action against the Industrial User seeking equitable relief, monetary penalties and actual damages.

CC - City Council.

Criminal Prosecution - Pursuing punitive measures against an individual and/or organization through a court of law.

Fine - Monetary penalty recommended by the Control Authority and imposed if necessary.

GM - General Manager of the Control Authority.

NOV - Notice of Violation.

PC - Pretreatment Coordinator.

SIU - Significant Industrial User.

SNC - Significant Noncompliance.

Show Cause - Formal meeting requiring the User to appear and demonstrate why the Control Authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

(2) Enforcement Response: The Enforcement Response Guide is presented in the pages that follow.

NONCOMPLIANCE	CIRCUMSTANCES	ENFORCEMENT RESPONSE	PERSONNEL
A. UNAUTHORIZED DISCHARGE/DISCHARGERS WITHOUT PERMIT:			
1. Unpermitted Discharge:	SIU unaware of permit requirement; no harm to POTW or environment.	NOV with application form.	PC
	SIU unaware of permit requirement; harm to POTW or environment.	AO with fine; termination of service; civil action.	PC,GM, CC,CA
	Failure to apply for permit after notice by Control Authority.	Termination of service; civil action; criminal prosecution.	PC,GM, CC,CA
2. Discharge after failure to renew permit:	SIU fails to submit application within 10 days after due date.	NOV.	PC
B. DISCHARGE LIMIT VIOLATION:			
1. Exceeding Local or Federal Discharge Standards (Permit limits):	Isolate; not significant.	NOV.	PC
	Isolated; significant (no harm).	Consent agreement; AO to develop or modify slug prevention plan; fine.	PC,GM, CC,CA
	Isolated; harm to POTW or environment.	Consent agreement; show cause order; AO with fine; civil action.	PC,GM, CC,CA
	Chronic, significant no harm to POTW or environment: 40 CFR 403.8 (f)(2)(vii)(A).[1]	Consent agreement; AO with fine; show cause order; suspend or revoke permit; termination of service; civil action.	PC,GM, CC,CA

NONCOMPLIANCE	CIRCUMSTANCES	ENFORCEMENT RESPONSE	PERSONNEL
	Technical Review Violations: 40 CFR 403.8(f)(2)(vii)(B).[1]	Consent agreement; AO with fine; show cause order; suspend or revoke permit; termination of service; civil action.	PC, GM, CC, CA
	Recurring, harm to POTW or Environment, or discharge causing imminent endangerment: 40 CFR 403.8(f)(2)(vii)(C & D).[1]	AO with fine; show cause order; suspend or revoke permit; termination of service; civil action.	PC, GM, CC, CA
C. MONITORING AND REPORTING VIOLATIONS:			
1. Reporting Violations:	Report improperly signed or certified.	Phone call; NOV.	PC
	Report is improperly signed or certified after notice by Control Authority.	Consent agreement; show cause order.	PC, GM
	Isolated, not significant (ie., 5 days late).	Phone Call; NOV; consent agreement	PC
	Significant, report 30 days or more late; 40 CFR 403.8(f)(2)(vii)(F).[1]	AO to submit with fine per additional day.	PC, GM, CC, CA
	Reports are always late or no reports at all: 40 CFR 403.8(f)(2)(vii)(F).[1]	NOV; AO with fine; show cause order; civil action.	PC, GM, CC, CA
	Failure to reports slug or change of discharge: 40 CFR 403.8(f)(2)(vii)(G).[1]	NOV; consent agreement; AO with fine; civil action.	PC, GM, CC, CA
	Falsification: 40 CFR 403.8(f)(2)(vii)(G).[1]	Suspend or revoke permit; termination of service; criminal prosecution.	PC, GM, CC, CA
2. Failure to monitor correctly:	Failure to monitor all pollutants as required by permit.	Phone call; NOV; consent agreement; AO	PC, GM

NONCOMPLIANCE	CIRCUMSTANCES	ENFORCEMENT RESPONSE	PERSONNEL
	Recurring failure to monitor.[1]	AO with fine; civil action.	PC, GM, CC, CA
3. Improper sampling:	Evidence of intent.[1]	Suspend or revoke permit; termination of service; criminal prosecution.	GM
4. Failure to install monitoring equipment:	Delay of less than 30 days.	Phone call; NOV; consent agreement.	PC
	Delay of 30 days or more.	NOV; consent agreement; AO with fine for each additional day.	PC, GM, CC, CA
	Recurring violation AO.[1]	Suspend or revoke permit; termination of service; civil action; criminal prosecution.	PC, GM, CC, CA
5. Failure to meet Permit's Compliance Schedule:	Missed milestone by less than 30 days and will not affect final milestone.	Phone call; NOV.	PC
	Missed reporting milestone by more than 30 days: 40 CFR 403.8(f)(2)(vii)(F).[1]	NOV; consent agreement; AO; suspend or revoke permit; termination of service; civil action.	PC, GM, CC, CA
	Missed compliance milestone by more than 90 days: 40 CFR 403.8(f)(2)(vii)(E).[1]	Show cause order; civil action; suspend or revoke permit; termination of service.	PC, GM, CC, CA
	Recurring violation or violation of AO Schedule: 403.8(f)(2)(vii)(E & F).[1]	Suspend or revoke permit; termination of service; civil action criminal prosecution.	PC, GM, CC, CA

NONCOMPLIANCE	CIRCUMSTANCES	ENFORCEMENT RESPONSE	PERSONNEL
D. OTHER PERMIT VIOLATIONS:			
1. Wastestreams are diluted in lieu of treatment:	Initial violation.	Consent agreement; AO with fine.	PC,GM, CC,CA
	Recurring violation.	AO with fine; show cause order; suspend or revoke permit; termination of service.	PC,GM, CC,CA
2. Failure to mitigate noncompliance, halt production or properly maintain and operate pretreatment facility:	Does not result in harm.	NOV; consent agreement.	PC
	Results in harm: 403.8(f)(2)(vii)(H).[1]	AO with fine; suspend or revoke permit; termination of service; civil action.	PC,GM, CC,CA
E. VIOLATIONS DETECTED DURING SITE VISIT:			
1. Entry denial:	Entry denied, consent withdrawn or copies of records denied.	Obtain warrant and return to User; civil action.	PC,GM, CA
2. Illegal discharge:	No harm to POTW or environment.	Consent agreement; AO with fine.	PC,GM, CC,CA
	Discharge causes harm or there is evidence of intent or negligence: 403.8(f)(2)(vii)(C & D).[1]	AO with fine; suspend or revoke permit; termination of service; civil action or criminal prosecution.	PC,GM, CC,CA
	Recurring violation of AO: 403.8(f)(2)(vii)(H).[1]	Suspend or revoke permit; termination of service civil action.	PC,GM, CC,CA

1. Significant Noncompliance as defined in 403.8(f)(2)(vii)

(3) Timeframes for Responses:

a. All violations will be identified and documented within ten days of receiving compliance information.

b. Initial enforcement responses will occur within 20 days of violation detection.

c. Follow up actions for continuing or recurring violations will be taken within 90 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.

d. Violations which threaten health are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

e. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 45 days of the identification of significant noncompliance.

IV. LEGAL AUTHORITY:

The City of El Dorado, pursuant to Ordinance 887 passed on April 1, 1959 established the El Dorado Water Utilities under the supervision of the Water and Wastewater Commission to maintain and operate the City's water and wastewater treatment systems. Ordinance No._____ establishes that El Dorado Water Utilities as of the date of the Ordinance is the Control Authority and confers on the Control Authority the legal authority to apply and non-judicially enforce the federal, state and local pretreatment regulations implementing sections 307(b) and (c) and 402 (f)(8) of the Clean Water Act.

A. Non-judicial Enforcement:

Pursuant to the Pretreatment Ordinance, Ordinance No._____ passed _____, the Control Authority may:

	Ordinance Section
Issue Notices of Violations.	5.1 5.0
Enter into Consent Agreements.	5.2
Hold Show Cause Hearings.	5.3
Issue Administrative Orders which include Compliance and Cease and Desist Orders.	5.4
Issue Administrative Fines	5.5
Emergency authority to suspend wastewater treatment or the Wastewater Contribution Permit.	5.6

Revoke Wastewater Contribution Permits. 5.7

In addition the Control Authority is authorized to publish annually a list of the Significant Violators, Ordinance Section 5.9.1, and to seek a performance bond for reissuance of a Significant Industrial User's Wastewater Contribution Permit, Section 5.9.2.

B. Judicial Enforcement:

The Control Authority will recommend to the City Council when, pursuant to the Enforcement Guide, it is necessary to seek injunctive relief or assess a civil fine against the User-in-Violation, or to criminally prosecute the User-in-Violation. The City Council will review the recommendations of the Control Authority and, on concurrence, will recommend that the appropriate legal action be pursued by the City Attorney. The City Attorney on recommendation of the City Council may seek injunctive relief, Ordinance Section 5.7.1, seek civil penalties, section 5.7.2, or in appropriate circumstances, undertake criminal prosecution, section 5.8. The legal authority of the City to issue fines and penalties is derived from Ark. Code Ann. 14-55-601 and incorporated into the Pretreatment Ordinance.

C. Civil Fines:

Civil Fines shall not exceed $1,000.00 for each offense, but each day on which a violation occurs will be considered as a separate and distinct offense. In determining amount of the fine the Control Authority and the City Council shall consider the following criteria:

(1) The type and severity of the violation.

(2) The number of violations cited.

(3) The duration of the noncompliance.

(4) The impact of the violation on the wastewater treatment plant and the environment.

(5) Whether the violation threatened human health.

(6) Whether the User derived any economic benefit or savings from the noncompliance.

(7) The compliance history of the User.

(8) Whether the User is making good faith efforts to restore compliance.

(9) Other policy considerations normally involved on an enforcement decision.

Instances where fines are particularly appropriate include:

(1) When User remains in noncompliance after receiving repeated NOV'S.

(2) When the User violates the terms of an administrative order.

D. Criminal Prosecution:

The Criminal Prosecution of a User will depend on the egregiousness and willfulness of the violation. A comparison between the factors governing civil and criminal actions is illustrated in Figure 2.

APPENDIX J

INDUSTRIAL DISCHARGE LIMITS DEVELOPMENT

Specific discharge limits

INDUSTRIAL DISCHARGE LIMITS DEVELOPMENT
FOR
PRIORITY POLLUTANTS
EL DORADO WASTEWATER TREATMENT FACILITIES

EL DORADO WATER AND SEWER SYSTEM
EL DORADO, ARKANSAS

MS WORD

August 2000

TABLE OF CONTENTS

1. PURPOSE

The purpose of document is to establish limits for industrial wastewater discharge to the El Dorado Wastewater Collection System based on technical information. The objectives of these limits are:

(1) To prevent the introduction of pollutants into the wastewater treatment works which could interfere with their operation.

(2) To prevent the pass-through of untreated pollutants which could violate applicable water quality standards.

2. BACKGROUND INFORMATION

The City of El Dorado is served by two wastewater treatment facilities. The North Wastewater Treatment Facility is located north of El Dorado in Section 15, Township 17 South, Range 15 West and discharges to Mill Creek in Segment 2D of the Ouachita River Basin. The Q7 10 year low flow for Mill Creek is zero. The South Wastewater Treatment Facility is located south of El Dorado in Sections 5, 4, 8, and 9, Township 18 South, Range 15 West and discharges to Bayou de Loutre in Segment 2D of the Ouachita River Basin. The Q7 10 year low flow for Bayou de Loutre is zero.

The North Wastewater Treatment Facility has an average design capacity of 5.0 MGD and in 1999 averaged 2.27 MGD. The 1999 minimum monthly average flow to the treatment facility was 1.39 MGD. The treatment system consist of two aerated lagoons operated in series followed by two polishing ponds in series, dissolved air flotation (DAF), and the capability for chlorine disinfection. Sludge from the DAF units is recycled to the second aerated lagoon.

The South Wastewater Treatment Facility has an average design capacity of 7.0 MGD and in 1999 averaged 4.68 MGD. The 1999 minimum monthly average flow to the treatment facility was 4.22 MGD. The treatment system consist of two aerated lagoons operated in series followed by two polishing ponds, dissolved air flotation (DAF), and the capability for chlorine disinfection. Sludge from the DAF units is recycled to the second aerated lagoon.

3. SAMPLING AND ANALYSIS

Appendix A - Significant Industrial Dischargers and Permitted Non-Significant Industrial Dischargers, list all known significant industrial dischargers and permitted non-significant industrial dischargers to the El Dorado wastewater collection system. El Dorado has had an on-going pretreatment program since 1982 and has compiled a significant amount of industrial discharge data. Appendix B - Volume Discharged by Significant Industrial Dischargers and Permitted Non-Significant Industrial Dischargers and Appendix C - Sampling Logs for Significant Industrial Dischargers and Permitted Non-Significant Industrial Dischargers present 1999 flow and sampling data from these dischargers. Appendix D - Domestic/Non-Industrial Background Concentrations and Appendix E - Wastewater Treatment Plants Influent Metal Analysis present sampling results data used to develop local limits for Arsenic, Cadmium, Copper, Cyanide, Lead, Mercury, Molybdeum, Nickel, Selenium, Silver and Zinc.

4. METHODOLOGY FOR DETERMINING LOCAL DISCHARGE LIMITATIONS

The information contained in Appendices A through E was provided to the Arkansas Department of Environmental Quality (ADEQ). ADEQ used the data to calculate Maximum Allowable Headworks Levels (MAHL). The results of these calculations are presented in Appendix F - ADEQ Calculated MAHL'S and below:

TABLE I
Maximum Allowable Headworks Level (MAHL)

Pollutant	Concentration, mg/l
Arsenic	0.02
Cadmium	0.01
Chromium	0.42
Copper	0.09
Cyanide	0.02
Lead	0.01
Mercury	0.00003
Molybdeum	0.02
Nickel	0.12
Selenium	0.01
Silver	0.01
Zinc	0.30

5. GUIDELINE LOCAL LIMITS

At this time wastewater treatment plant influent concentrations of the above pollutants are well below the MAHL concentrations listed in Table I above. In order to protect the quality of the wastewater treatment plant influents, the following Guideline Local Limits are adopted.

Guideline Local Limits

Pollutant	Monthly Average Concentration, mg/l	Daily Maximum Concentration, mg/l
Arsenic	0.2	0.4
Cadmium	0.07	0.11
Chromium	1.71	2.77
Copper	2.07	3.38
Cyanide	0.65	1.20
Lead	0.43	0.69
Mercury	0.0003	0.0006
Molybdeum	0.2	0.4
Nickel	2.38	3.98
Selenium	0.10	0.20
Silver	0.24	0.43
Zinc	1.48	2.61

For Cadmium, chromium, copper, cyanide, lead, nickel, silver, and zinc metal finishing pretreatment standards for new sources are adopted as guideline standards. For arsenic, mercury, molybdeum and selenium the maximum monthly average concentrations were set at 10 times the MAHL, and the daily maximum concentrations were set at two times the maximum monthly average concentrations.

No person shall discharge any waters or waste at a concentration that would exceed the pollutant concentrations of pollutants as listed in the Guideline Local Limits Table.

The Utility will develop and assign specific discharge permit limitations for pollutants for permitted users based on appropriate criteria. The specific permit limits shall ensure that the local limit pollutant concentrations will protect the wastewater treatment plant from upset. The Local Limits shall apply to the total flow or total discharge from the Industrial Users. In developing specific permit limits, Utility may impose mass limitations in addition to, or in place of, specific concentration-based limits. The Utility may develop specific discharge limitations for any toxic pollutants which Utility may determine to be of sufficient quantity to cause POTW interference and/or pass through, endanger the health and safety of the POTW personnel or the public health, cause a POTW permit violation or render the POTW sludges unacceptable for economic reuse or reclamation.

APPENDIX F

ADEQ CALCULATED MAHL'S

ADEQ
ARKANSAS
Department of Environmental Quality

May 26, 2000

Mr. Harold Baker
Treatment Superintendent
City of El Dorado
500 North Washington
El Dorado, AR 71731

Re: NPDES Permit Number AR0033723

Dear Mr. Baker :

Calculated Maximum Allowable Headworks Level (MAHL) as well as Water Quality Level are included for review and use. Please be advised that in the future the submitted data may be used for evaluation of your NPDES renewal permit. Therefore, it is very important that attached MQL (Minimum Quantification Levels) and EPA Test Methods (Attachment PPS) be considered and used. Additionally, keep in mind other EPA approved methods with appropriate detection levels (DL) may be used as long as the detection level achieved is as low as MQL. Additionally, this department recommends for evaluation of IU permit limits, submit annual lab results for domestic/background for the metals and cyanide listed in the annual report. .

All the results less than detection level achieved are reported as ND (Not Detected) in the annual pretreatment report (Please see enclosed form).

Please respond to Mr. Allen Gilliam's letter dated March 28, 1996 as soon as possible but no later than **July 7, 2000**.

If there are any questions, please contact me at (501) 682-0616 or Allen Gilliam at (501) 682-0625.

Sincerely,

Mo Shafii
Staff Engineer
NPDES Branch, Water Division

Enclosure

MONITORING RESULTS (1) FOR THE ANNUAL PRETREATMENT REPORT

REPORTING YEAR: _____, 2000 TO _____, _____

TREATMENT PLANT : City of El Dorado NPDES PERMIT #AR00____

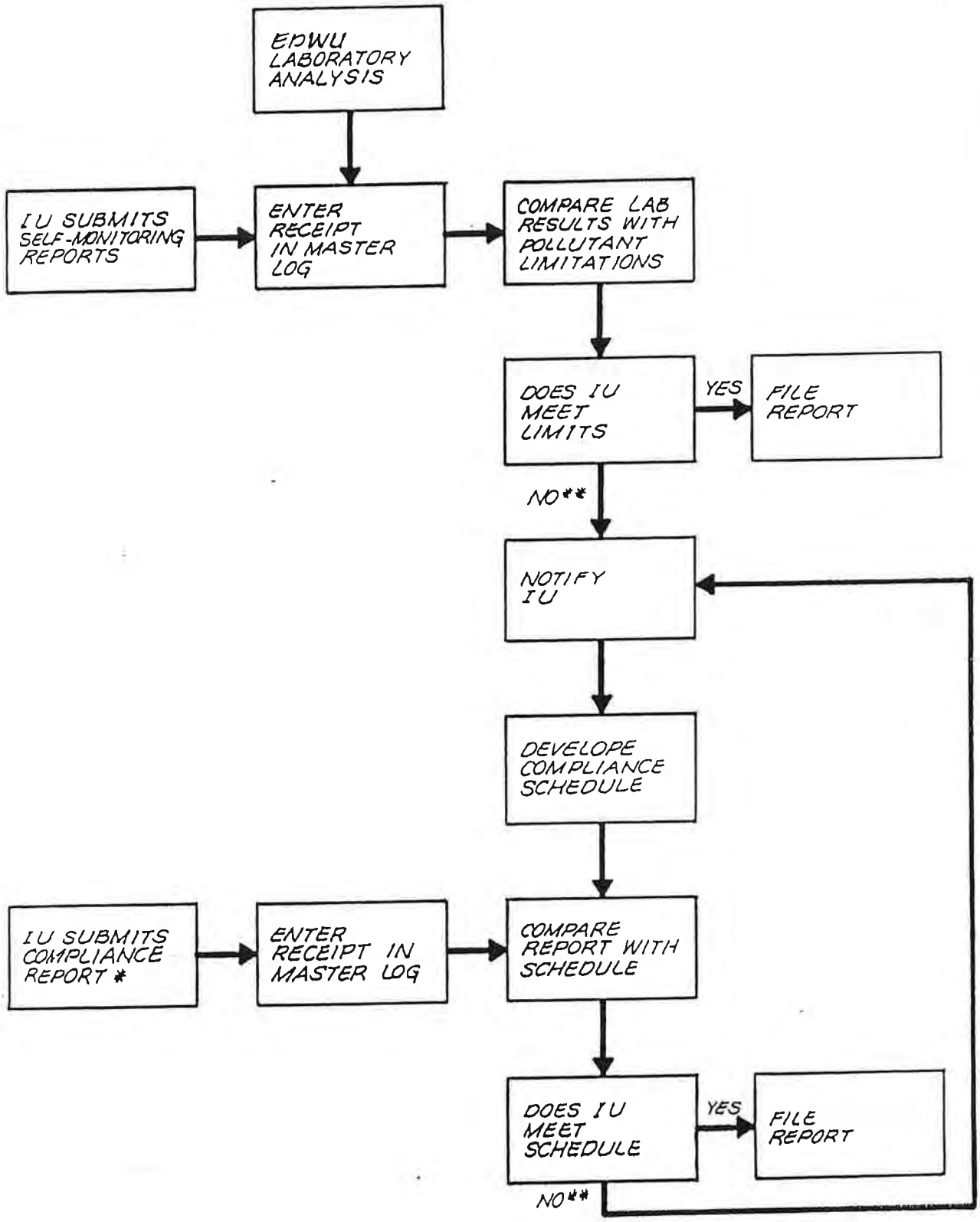
AVERAGE POTW FLOW: ____MGD % IU FLOW: ____%

METALS, CYANIDE and PHENOLS (Total)	MAHL mg/l	Influent Dates Sampled (mg/l) Once/quarter				WQ level/ limit mg/l	Effluent Dates Sampled (mg/l) Once/quarter				Laboratory Analysis (See Attachment PPS)	
											E P A Method Used	Detection L e v e l Achieved (ug/l)
Antimony	N/A					N/A						
Cadmium	0.01					0.002						
Copper	0.09					0.0122						
Lead	0.01					0.0038						
Mercury	0.00003					0.00001						
Nickel	0.12					0.1316						
Selenium	0.01					0.0056						
Silver	0.01					0.0013						
Zinc	0.30					0.1156						
Chromium	0.42					0.3643						
Cyanide	0.02					0.0058						
Arsenic	0.02					N/A						
Molybdenum	0.02					N/A						
Phenols	N/A					N/A						
Beryllium	N/A					N/A						
Thallium	N/A					N/A						
Flow, MGD	N/A					N/A						
(2)												

(1) It is advised that the influent and effluent samples are collected considering flow detention time through each plant. **Analytical MQLs should be used so that the data can also be used for Local Limits assessment and NPDES application purpose.**
Record the name of any pollutants [40 CFR 122, Appendix D, Table II and/or Table V] detected and the quantity in which they were detected.

MAHL Maximum Allowable Headworks Level.

WQ Water Quality

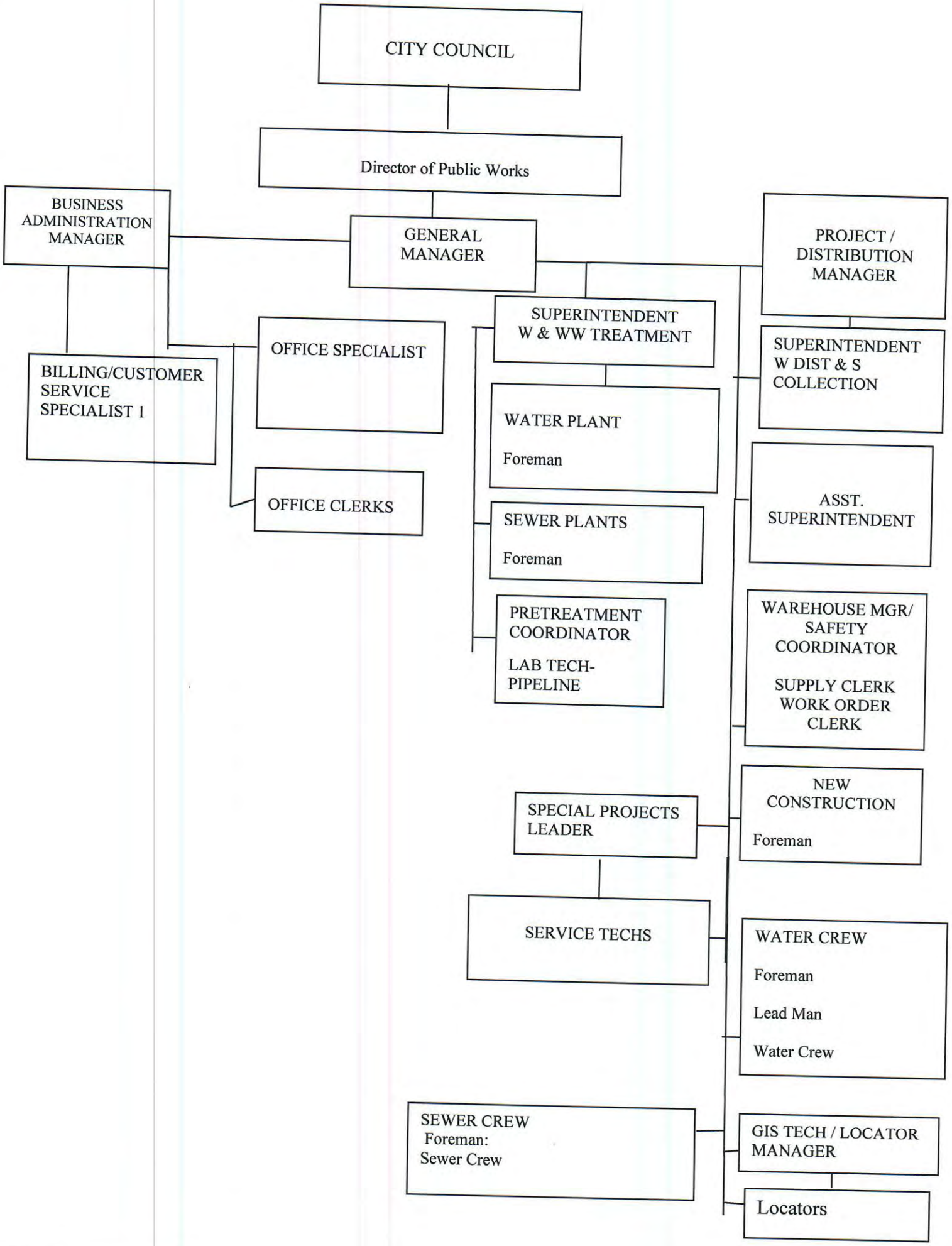


* FAILURE TO SUBMIT MAY BE CAUSE FOR PENALTY.

** A NEGATIVE DETERMINATION MAY BE CAUSE FOR PENALTY.

OSWALD ENGINEERING
2115 South Louisiana
Little Rock, Arkansas 72206
(501) 372-4881

REVIEW PROCESS FOR INDUSTRIAL MONITORING REPORTS


CITY COUNCIL
Director of Public Works
BUSINESS ADMINISTRATION MANAGER
GENERAL MANAGER
PROJECT / DISTRIBUTION MANAGER
BILLING/CUSTOMER SERVICE SPECIALIST 1
OFFICE SPECIALIST
OFFICE CLERKS
SUPERINTENDENT W & WW TREATMENT
WATER PLANT
Foreman
SEWER PLANTS
Foreman
PRETREATMENT COORDINATOR
LAB TECH-PIPELINE
SUPERINTENDENT W DIST & S COLLECTION
ASST. SUPERINTENDENT
WAREHOUSE MGR/ SAFETY COORDINATOR
SUPPLY CLERK
WORK ORDER CLERK
NEW CONSTRUCTION
Foreman
SPECIAL PROJECTS LEADER
SERVICE TECHS
WATER CREW
Foreman
Lead Man
Water Crew
SEWER CREW
Foreman:
Sewer Crew
GIS TECH / LOCATOR MANAGER
Locators

Appendix 3
Industrial User Inspection – TAS Environmental Services (Duckwater), 01/15/2025

Region 6 - Enforcement & Compliance Assurance Division

INDUSTRIAL USER FACILITY INSPECTION REPORT

Inspection Date(s):	01/15/2025	Inspection Times:	8:10 AM to 9:30 AM
Media Program:	Water		
Regulatory Program:	CWA – NPDES Pretreatment – Industrial User		
Industrial User Company Name:	**TAS Environmental Services, L.P., also doing business as Frac-N-Vac, LLC**		
Mailing address:	961 Del-Tin Hwy		
(city, state, zip code)	El Dorado, AR 71730		
Facility Physical Location:	961 Del-Tin Hwy		
(city, state, zip code)	El Dorado, AR 71730		
County/Parish:	Union County		
Facility Phone Number:	870-862-1602		
Facility Contact(s):	Kelly Wood	General Manager	
FRS Number:	110064499582		
EPA-Assigned Permit Number:	ARPIU0003		
NAICS:	562998: All Other Miscellaneous Waste Management Services		
SIC:	3799: Transportation Equipment, Not Elsewhere Classified		
Control Authority:	City of El Dorado/ El Dorado Water Utilities		
IU Permit Number:	009		
Control Authority Contact:	Kris Winder; Pretreatment Coordinator 870-862-7911		

Personnel participating in inspection:

Name	*Affiliation/mailcode*	*Title*	*OC[1]*	*CC[2]*
Amy Andrews, P.E.	USEPA/6ECD-WM	Lead Inspector/ Region 6 Pretreatment Enforcement Coordinator	X	X
Kenneth AuBuchon, P.E.	USEPA/6ECD-WM	Inspector/ Environmental Engineer	X	X
Silvia Zavala	USEPA/6WD-PN	WET/Pretreatment Environmental Scientist	X	X
Angelia Lamb	Arkansas Department of Energy and Environment	ADEQ Inspector	X	X
Kris Winder	El Dorado Water Utility	Pretreatment Coordinator	X	X
Amanda Gallagher	Alliance Technical Group (contractor for El Dorado Water Utility)	Senior Project Engineer	X	X
Kelly Wood	TAS Environmental Services/ Frac-N-Vac, LLC	General Manager	X	X

1 – Personnel in attendance at Opening Conference (OC)
2 – CC = Personnel in attendance at Closing Conference (CC)

EPA Lead Inspector Signature/Date	AMY ANDREWS Digitally signed by AMY ANDREWS Date: 2025.06.16 13:31:39 -06'00'	
	Amy Andrews	Date
Supervisor Signature/Date	ROBERTO BERNIER Digitally signed by ROBERTO BERNIER Date: 2025.06.16 17:16:30 -05'00'	
	Roberto Bernier	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

Environmental Protection Agency (EPA) Region 6 Inspectors, Amy Andrews and Kenneth AuBuchon, as well as representatives from the El Dorado Water Utility, and the Arkansas Department of Energy and Environment, Division of Environmental Quality (ADEQ), as listed in the Attendees Table on page 1, arrived at TAS Environmental Services (TAS), also doing business as Frac-N-Vac, LLC, at 8:10 AM on 01/15/2025 for an unannounced Significant Industrial User (SIU) Inspection. We presented our credentials to Mr. Wood and informed him that this was an EPA inspection as part of the Pretreatment Compliance Inspection (PCI) of the Control Authority, the City of El Dorado/El Dorado Water Utility's approved Pretreatment Program conducted under the authority of the NPDES permit program, in accordance with the Federal Clean Water Act (CWA), General Pretreatment Regulations at 40 Code of Federal Regulations (CFR) Part 403, and the Control Authority's National Pollutant Discharge Elimination System (NPDES) permit. This report is based on information supplied by TAS representatives, observations made by the EPA inspector, and records and reports maintained by the Control Authority, the State of Arkansas, and the EPA.

The inspection of the facility provides current conditions of the facility's unit operations and included an evaluation of the waste streams generated from the unit operations, and management of these waste streams. The facility discharges to the sewer collection system leading to the Control Authority's Publicly Owned Treatment Works (POTW), also known as a wastewater treatment plant (WWTP).

FACILITY PROCESS DESCRIPTION

The facility, located at 961 Del-Tin Highway, El Dorado, AR 71730, is a commercial transportation equipment and tank wash company with a startup date of around August 2016. Waste and wash waters typically generated from cleaning of roll off boxes and tankers include chemicals and petroleum-impacted waters which may contain heavy metals. Petroleum sources include oil, gasoline, diesel, kerosene, and/or other chemical or distillate products. This facility is associated with the emergency response services and industrial cleaning services branches of TAS and will occasionally clean tankers that have been used in these activities. The facility operates 24 hours per day; however, the water treatment plant is only operated from 7:00 AM to 3:30 PM. There are a total of 27 employees working at the facility, five of whom operate the water treatment facility. The facility was previously named Duckwater Services, which was acquired

by TAS in July 2019. Raw chemicals used onsite include Caustic Soda 508, Sulfuric Acid, Pro 1 Powder Detergent, Luma Shine aluminum brightener, Polymer, Ferric Sulfate, and Pink Power aluminum cleaner.

The wastewater treatment process is stated to be as follows: Wastewater generated onsite through the cleaning process is diverted directly to the untreated holding tanker for processing. Untreated wastewater is transferred in batches of 6,000 gallons to the reactor for treatment. Temperature and pH are recorded prior to treatment, and pH is monitored and adjusted according to treatment requirements using caustic soda or acid while mixing the batch with the tank agitator. A clay-based flocculent blend is added until flocculation is visible to the operator, then the mixing agitator is turned off and the batch is allowed to settle. The operator checks the clarity of the wastewater after settling to determine proper treatment at three exterior sampling ports. Once it is determined that the batch is clean, the clear portion of the reactor, approximately 5,500 gallons, is decanted into the selected frac tank to await testing. Approximately four treated batches of water can be stored in each of the exterior holding tanks. Once a holding tank is at capacity with treated water, a Control Authority representative is dispatched to collect a sample for testing. Once approved, the operator will gravity drain the tank through the flow meter to the lift station located in the TAS parking lot.

Section II – OBSERVATIONS

Observation: 001

The currently active permit issued by the Control Authority with an effective date of October 1, 2020, and an expiration date of September 30, 2025, was issued to “Duckwater Services, LLC,” rather than “TAS Environmental Services.” Duckwater Services was acquired by TAS in July 2019. At the time, the Control Authority re-issued the IU permit to “TAS Environmental Services” with an effective date of July 7, 2019, and an expiration date of September 30, 2020. This expiration date was intended to keep the permit on the same schedule as the Control Authority’s other IUs.

Observation #: 002

Other permits/controls held by or applicable to TAS include:

- RCRA (Resource Conservation and Recovery Act) Hazardous Waste Transporter and Very Small Quantity Generator
- NPDES Stormwater

Observation #: 003

The Control Authority has designated TAS as subject to the Transportation Equipment Cleaning Point Source Category, found at 40 CFR Part 442. As an alternative to achieving Pretreatment Standards for New Sources (PSNS) TAS has elected to maintain a Pollutant Management Plan and must demonstrate compliance with the Plan as shown in 40 CFR Part 442.16(b).

Observation #: 004

Standard Operating Procedures (SOPs) are available for the interior tank washing procedure and the wastewater treatment process.

Observation #: 005

TAS is required to comply with the following effluent limitations as shown in their IU permit with an effective date of October 1, 2020:

PARAMETER	MAXIMUM MONTHLY AVERAGE Mg/L.	DAILY MAXIMUM Mg/L.	SAMPLE FREQUENCY	SAMPLE TYPE
pH (C)	---	6 - 9	Each Batch	Grab
Oil & Grease	(B)	(B)	Monthly	Grab
Arsenic	.073	.15	Monthly	Grab
Cadmium	.07	.11	Monthly	Grab
Chromium	.45	.9	Monthly	Grab
Copper	.26	.52	Monthly	Grab
Lead	.23	.46	Monthly	Grab
Mercury	ND	ND	Monthly	Grab
Molybdenum	.2	.4	Monthly	Grab
Nickel	2.38	3.98	Monthly	Grab
Selenium	.1	.2	Monthly	Grab
Silver	.057	.12	Monthly	Grab
Zinc	1.48	2.63	Monthly	Grab
BNA	---	---	Annually	Grab
VOA	---	---	Annually	Grab
PEST/PCB'S	---	---	Annually	Grab
2,3,7,8 TCDD	---	---	Annually	Grab

(B) Oil and Grease discharges in excess of 100mg/1 are subject to an excess strength surcharge of 5¢ per pound.

The Control Authority was unable to explain why several of these pollutants are sampled but has no limits, nor why the permitted effluent limits do not include all Local Limits as shown in the City of El Dorado Industrial Pretreatment Program, nor a waiver with an explanation as to the basis for excluding any pollutants:

Guideline Local Limits

Pollutant	Monthly Average Concentration, mg/l	Daily Maximum Concentration, mg/l
Arsenic	0.2	0.4
Cadmium	0.07	0.11
Chromium	1.71	2.77
Copper	2.07	3.38
Cyanide	0.65	1.20
Lead	0.43	0.69
Mercury	0.0003	0.0006
Molybdeum	0.2	0.4
Nickel	2.38	3.98
Selenium	0.10	0.20
Silver	0.24	0.43
Zinc	1.48	2.61

Observation #: 006
TAS does not collect their own compliance samples for their IU permit. If a frac tank full of treated wastewater does not pass all the compliance sampling, it was explained that the water is retreated. However, it was not clear how the wastewater is "retreated" and put back into the same frac tank as prior to the retreatment, since each frac tank holds four treatment batches. TAS does not have a procedure in place to identify moving treated water from one frac tank to a different frac tank. They do not notify the Control Authority or provided documentation that the water has ever moved to a new tank.

Section III – EPA CLASSIFICATION OF THE INDUSTRIAL USER

Based on observations and information received during the inspection, the facility is subject to the following categorical regulations:

- Transportation Equipment Cleaning Point Source Category, found at 40 CFR Part 442, Subpart A. The Categorical Pretreatment Standards for Existing Sources (PSES) is found at 40 CFR Part 442.15.

Section III – AREAS OF CONCERN

AOC Reference #: 001
Requirement: 40 CFR Part 403.12(e)(1)
Any Industrial User subject to a categorical Pretreatment Standard … , after the compliance date of such Pretreatment Standard, … shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. … In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (b)(4) of this section except that the Control Authority may require more detailed reporting of flows.
AOC: At the time of this inspection, biannual reports were due to the Control Authority.

AOC Reference #: 001
Requirement: 40 CFR Part 442.16(b)(1)
The discharger shall prepare a Pollutant Management Plan that satisfies the requirements as specified in paragraph (b)(5) of this section, and the discharger shall conduct its operations in accordance with that plan.
AOC: TAS was not following or reviewing their established Pollutant Management Plan. Procedures were not being followed for proper identification of cargo compatibility.

AOC Reference #: 002
Requirement: 40 CFR Part 442.16(b)(1)
The discharger shall prepare a Pollutant Management Plan that satisfies the requirements as specified in paragraph (b)(5) of this section, and the discharger shall conduct its operations in accordance with that plan.
AOC: When treated water fails the compliance monitoring samples, the path the water takes during the process of retreating the water is not clearly documented.

Section IV – CLOSING CONFERENCE

EPA Region 6 inspectors conducted a closing conference with TAS at the end of the inspection on 01/15/2025.

Section V – FOLLOW UP

No additional information was received by EPA after exiting the Facility on 01/15/2025.

Section VI – LIST OF APPENDICES

Appendix 1 – Photo Log – 1 photo taken 01/15/2025

Appendix 1
Photograph Log

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: TAS Environmental Services DBA Frac-N-Vac, LLC		
City: El Dorado	County: Union	State: Arkansas

Photo File Name: IMG-20250115084453445330406 80.jpg

Date of Photo: 01/15/2025

Time of Photo: 8:44 AM

Photographer: Amy Andrews

Description: Wastewater pretreatment system (right) at TAS, and the frac tanks used to store treated water outside the building.

Appendix 4
Industrial User Inspection – AmerCable, 01/15/2025

Region 6 - Enforcement & Compliance Assurance Division

INDUSTRIAL USER FACILITY INSPECTION REPORT

Inspection Date(s):	01/15/2025	Inspection Times:	12:00 PM to 1:19 PM
Media Program:	Water		
Regulatory Program:	CWA – NPDES Pretreatment – Industrial User		
Industrial User Company Name:	**AmerCable Incorporated/ Nexans AmerCable**		
Mailing address:	350 Bailey Road		
(city, state, zip code)	El Dorado, AR 71730		
Facility Physical Location:	350 Bailey Road		
(city, state, zip code)	El Dorado, AR 71730		
County/Parish:	Union County		
Facility Phone Number:	870-862-4919		
Facility Contact(s):	Chuck Johnston	Safety Coordinator	
	Anthony Raines	Project Engineer	
FRS Number:	110000451065		
EPA-Assigned Permit Number:	ARPIU0001		
NAICS:	335929: Other Communication and Energy Wire Manufacturing		
SIC:	3357: Drawing and Insulating of Nonferrous Wire		
Control Authority Name:	City of El Dorado/ El Dorado Water Utilities		
IU Permit Number:	003		
Control Authority Contact:	Kris Winder; Pretreatment Coordinator 870-862-7911		

Personnel participating in inspection:

Name	*Affiliation/mailcode*	*Title*	*OC[1]*	*CC[2]*
Amy Andrews, P.E.	USEPA/6ECD-WM	Lead Inspector/ Region 6 Pretreatment Enforcement Coordinator	X	X
Kenneth AuBuchon, P.E.	USEPA/6ECD-WM	Inspector/ Environmental Engineer	X	X
Silvia Zavala	USEPA/6WD-PN	WET/Pretreatment Environmental Scientist	X	X
Angelia Lamb	Arkansas Department of Energy and Environment	ADEQ Inspector	X	X
Kris Winder	El Dorado Water Utility	Pretreatment Coordinator	X	X
Amanda Gallagher	Alliance Technical Group	Senior Project Engineer (contractor for El Dorado Water Utility)	X	X
Michael McMahan	El Dorado Water Utility	Treatment Superintendent	X	
John Pepper	El Dorado Water Utility	Environmental Coordinator	X	
Chuck Johnston	AmerCable Incorporated	Safety Coordinator	X	X
Anthony Raines	AmerCable Incorporated	Project Engineer	X	X

1 – Personnel in attendance at Opening Conference (OC)
2 – CC = Personnel in attendance at Closing Conference (CC)

EPA Lead Inspector Signature/Date	AMY ANDREWS Digitally signed by AMY ANDREWS Date: 2025.06.16 13:27:49 -06'00'	
	Amy Andrews	Date
Supervisor Signature/Date	ROBERTO BERNIER Digitally signed by ROBERTO BERNIER Date: 2025.06.16 16:55:01 -05'00'	
	Roberto Bernier	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

Environmental Protection Agency (EPA) Region 6 Inspectors, Amy Andrews and Kenneth AuBuchon, as well as representatives from the El Dorado Water Utility, and the Arkansas Department of Energy and Environment, Division of Environmental Quality (ADEQ), as listed in the Attendees Table on page 1, arrived at AmerCable Incorporated at 12:00 PM on 01/15/2025 for an unannounced Significant Industrial User (SIU) Inspection. We presented our credentials to Mr. Johnston and informed him that this was an EPA inspection as of the Pretreatment Compliance Inspection (PCI) of the Control Authority, the City of El Dorado/El Dorado Water Utility's approved Pretreatment Program conducted under the authority of the NPDES permit program, in accordance with the Federal Clean Water Act (CWA), General Pretreatment Regulations at 40 Code of Federal Regulations (CFR) Part 403, and the Control Authority's National Pollutant Discharge Elimination System (NPDES) permit. This report is based on information supplied by AmerCable representatives, observations made by the EPA inspector, and records and reports maintained by the Control Authority, the State of Arkansas, and the EPA.

The inspection of the facility provides current conditions of the facility's unit operations and included an evaluation of the waste streams generated from the unit operations, and management of these waste streams. The facility discharges to the sewer collection system leading to the Control Authority's Publicly Owned Treatment Works (POTW), also known as a wastewater treatment plant (WWTP).

FACILITY PROCESS DESCRIPTION

The facility located at 350 Bailey Road, El Dorado, AR 71730, manufactures low to medium voltage jacketed electrical power, control and instrumentation cables. The company's core markets are mining, oil and gas, and industrial. The facility operates 24 hours per day, 5 to 7 days per week

The company originally started as a furniture company, but the process was shifted to manufacturing power cables in 1978. Raw materials used in the manufacture of the cables include bare copper wire, tinned copper wire, rubber, plastics, carbon dioxide, calcium stearate, solvents, ink, oil, and grease.

Copper cable is extruded and coated in rubber or plastic insulation (depending on the order), then cooled with water and dried prior to being covered in molten lead and vulcanized. Water does not come into contact with molten lead due to combustion risk, however City water is used to cool the lead-covered, vulcanized cable. Calcium stearate is used on the insulated wire for easier mold removal. If the cable insulation is a light color, then the cable is cooled using first-run City water.

This water is then saved for reuse for cooling of darker color cables (yellow cables show more than black cables). Filters are used in the recycled water to remove the calcium stearate. While the cable cooling troughs are running, water is set to only recirculate. After cooling is finished, the water drains either to reuse or to the settling pits, based on how dirty the water is. The lead is then melted off the finished cable and the lead is saved for reuse. Settling pits are used to treat the cable cooling water. The first pit is 20 feet long, the second pit is 40 feet long, connected in series and designed to settle out solids prior to effluent discharge.

The sludge in the settling pits is cleaned out every few years, which generates a hazardous waste due to the lead residue in the sludge. The sludge is characterized using the Toxicity Characteristic Leaching Procedure (TCLP) and sent to Clean Harbors for final disposal.

Section II – OBSERVATIONS

Observation: 001
The permit application that AmerCable submitted to the Control Authority on 09/03/2015, listed the SIC Code of this facility as 3469 (Metal Stampings, Not Elsewhere Classified), whereas all inspection reports (both prior to 2015 and after 2015) of AmerCable state that the SIC Code is actually 3357 (Drawing and Insulating of Nonferrous Wire).

Observation #: 002
Other permits/controls held by or applicable to AmerCable include: • RCRA (Resource Conservation and Recovery Act) Hazardous Waste Small Quantity Generator • NPDES Stormwater • Spill Prevention, Control, and Countermeasures Plan (SPCC)

Observation #: 003
During the year 2019, high lead levels were recorded in multiple effluent samples collected by the Control Authority. It was discovered that this was caused by floor scrubbers. City personnel issued a letter to AmerCable and resampled the effluent multiple times until it was determined that the levels were below the Control Authority's Local Limit for lead.

Observation #: 004
AmerCable may be subject to the reporting requirements found at 40 CFR Part 403.12(p); unless the pollutants have already been reported under the self-monitoring requirements of 40 CFR Part 403.12 (b), (d), and (e).

Observation #: 005

AmerCable does not collect their own compliance samples for their IU permit. Samples are collected by the Control Authority, from the manhole in front of the AmerCable building using ISCO autosamplers owned by the Control Authority.

Photo(s):

Photo 1: IMG-20250115131357135758310 86.jpg

Observation #: 006

AmerCable is required to comply with the following effluent limitations as shown in their IU permit with an effective date of October 1, 2020:

PARAMETER	MAXIMUM MONTHLY AVERAGE	DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
Copper	2.07	3.38	2/Year	24 Hour Composite
Lead	.43	.69	1/Month	24 Hour Composite
Zinc	1.48	2.61	2/Year	24 Hour Composite

The Control Authority was unable to explain why permitted effluent limits do not include all Local Limits as shown in the Control Authority's Industrial Pretreatment Program, nor a waiver with an explanation as to the basis for excluding any pollutants:

Guideline Local Limits

Pollutant	Monthly Average Concentration, mg/l	Daily Maximum Concentration, mg/l
Arsenic	0.2	0.4
Cadmium	0.07	0.11
Chromium	1.71	2.77
Copper	2.07	3.38
Cyanide	0.65	1.20
Lead	0.43	0.69
Mercury	0.0003	0.0006
Molybdeum	0.2	0.4
Nickel	2.38	3.98
Selenium	0.10	0.20
Silver	0.24	0.43
Zinc	1.48	2.61

Section III – EPA CLASSIFICATION OF THE INDUSTRIAL USER

Based on observations and information received during the inspection, the facility is likely subject to some or all of the following categorical regulations:

- Copper Forming Point Source Category, for copper wire extrusion, found at 40 CFR Part 468, Sub A. The Categorical Pretreatment Standard for Existing Sources (PSES) is found at 40 CFR Part 468.14.
- Nonferrous Metals Forming and Metal Powders Point Source Category, for lead forming, found at 40 CFR Part 471, Sub A. The PSES for lead forming is found at 40 CFR Part 471.14
- Rubber Manufacturing Point Source Category, for rubber cable jacketing, found at 40 CFR Part 428.

A full categorical determination must be made of this facility by the Control Authority.

Section III – AREAS OF CONCERN

AOC Reference #: 001
Requirement: 40 CFR Part 403.12(e)(1)
Any Industrial User subject to a categorical Pretreatment Standard … , after the compliance date of such Pretreatment Standard, … shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. … In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (b)(4) of this section except that the Control Authority may require more detailed reporting of flows.
AOC: At the time of this inspection, biannual reports were due to the Control Authority.

Section IV – CLOSING CONFERENCE

EPA Region 6 inspectors conducted a closing conference with AmerCable at the end of the inspection on 01/15/2025.

Section V – FOLLOW UP

No additional information was received by EPA after exiting the Facility on 01/15/2025.

Section VI – LIST OF APPENDICES

Appendix 1 – Photo Log – 1 photo taken 01/15/2025

Appendix 1
Photograph Log

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: AmerCable Inc.		
City: El Dorado	County: Union	State: Arkansas

Photo File Name: IMG-20250115131357135758310 86.jpg

Date of Photo: 01/15/2025

Time of Photo: 1:13 PM

Photographer: Amy Andrews

Description: Compliance sample location, in front of AmerCable.

Appendix 5
Industrial User Inspection – Milbank, 01/15/2025

Region 6 - Enforcement & Compliance Assurance Division

INDUSTRIAL USER FACILITY INSPECTION REPORT

Inspection Date(s):	01/15/2025	Inspection Times:	1:21 PM to 2:40 PM
Media Program:	Water		
Regulatory Program:	CWA – NPDES Pretreatment – Industrial User		
Industrial User Company Name:	**Milbank Manufacturing Co.**		
Mailing address:	195 Prescolite Dr.		
(city, state, zip code)	El Dorado, AR 71730		
Facility Physical Location:	195 Prescolite Dr.		
(city, state, zip code)	El Dorado, AR 71730		
County/Parish:	Union County		
Facility Phone Number:	870-862-6601		
Facility Contact(s):	Jannen Crittenden	Safety Associate	
	Tim Beal	Production Manager	
FRS Number:	110037268603		
EPA-Assigned Permit Number:	ARPIU0005		
NAICS:			
SIC:	3613 – Switchgear and Switchboard Apparatus 3499 – Fabricated Metal Products, Not Elsewhere Classified		
Control Authority:	City of El Dorado/ El Dorado Water Utilities		
IU Permit Number:	005		
Control Authority Contact:	Kris Winder; Pretreatment Coordinator 870-862-7911		

Personnel participating in inspection:

Name	*Affiliation/mailcode*	*Title*	*OC[1]*	*CC[2]*
Amy Andrews, P.E.	USEPA/6ECD-WM	Lead Inspector/ Region 6 Pretreatment Enforcement Coordinator	X	X
Kenneth AuBuchon, P.E.	USEPA/6ECD-WM	Inspector/ Environmental Engineer	X	X
Silvia Zavala	USEPA/6WD-PN	WET/Pretreatment Environmental Scientist	X	X
Angelia Lamb	Arkansas Department of Energy and Environment	ADEQ Inspector	X	X
Kris Winder	El Dorado Water Utility	Pretreatment Coordinator	X	X
Amanda Gallagher	Alliance Technical Group (contractor for El Dorado Water Utility)	Senior Project Engineer	X	X
Jannen Crittenden	Milbank Manufacturing Co.	Safety Associate	X	X
Tim Beal	Milbank Manufacturing Co.	Production Manager	X	X

1 – Personnel in attendance at Opening Conference (OC)
2 – CC = Personnel in attendance at Closing Conference (CC)

EPA Lead Inspector Signature/Date	AMY ANDREWS Digitally signed by AMY ANDREWS Date: 2025.06.16 13:30:43 -06'00'	
	Amy Andrews	Date
Supervisor Signature/Date	ROBERTO BERNIER Digitally signed by ROBERTO BERNIER Date: 2025.06.16 17:14:23 -05'00'	
	Roberto Bernier	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

Environmental Protection Agency (EPA) Region 6 Inspectors, Amy Andrews and Kenneth AuBuchon, as well as representatives from the El Dorado Water Utility, and the Arkansas Department of Energy and Environment, Division of Environmental Quality (ADEQ), as listed in the Attendees Table on page 1, arrived at Milbank Manufacturing Company (Milbank) at 1:21 PM on 01/15/2025 for an unannounced Significant Industrial User (SIU) Inspection. We presented our credentials to Ms. Crittenden and informed her that this was an EPA inspection as part of the Pretreatment Compliance Inspection (PCI) of the Control Authority, the City of El Dorado/El Dorado Water Utility's approved Pretreatment Program conducted under the authority of the NPDES permit program, in accordance with the Federal Clean Water Act (CWA), General Pretreatment Regulations at 40 Code of Federal Regulations (CFR) Part 403, and the Control Authority's National Pollutant Discharge Elimination System (NPDES) permit. This report is based on information supplied by Milbank representatives, observations made by the EPA inspector, and records and reports maintained by the Control Authority, the State of Arkansas, and the EPA.

The inspection of the facility provides current conditions of the facility's unit operations and included an evaluation of the waste streams generated from the unit operations, and management of these waste streams. The facility discharges to the sewer collection system leading to the Control Authority's Publicly Owned Treatment Works (POTW), also known as a wastewater treatment plant (WWTP).

FACILITY PROCESS DESCRIPTION

The facility located at 195 Prescolite Dr., El Dorado, AR 71730, manufactures electrical metering boxes using a sheet metal fabrication process. The facility has 165 employees and operates two shifts per day. Production rates are intermittent to match demand, typically increasing during the summer months, and decreasing during the winter.

Milbank Manufacturing was originally established in 1927 in Kansas City, Missouri, manufacturing high-tension pole-top switches, test blocks and meter enclosures for sale to electric utilities. Milbank opened the doors of this El Dorado Arkansas manufacturing plant in February 1964 to solely produce meter box enclosures. Raw materials used in the manufacture of the metering boxes include galvanized sheet steel, aluminum sheet metal, water soluble oil, alkaline cleaner, phosphatizer, and non-chromate sealer.

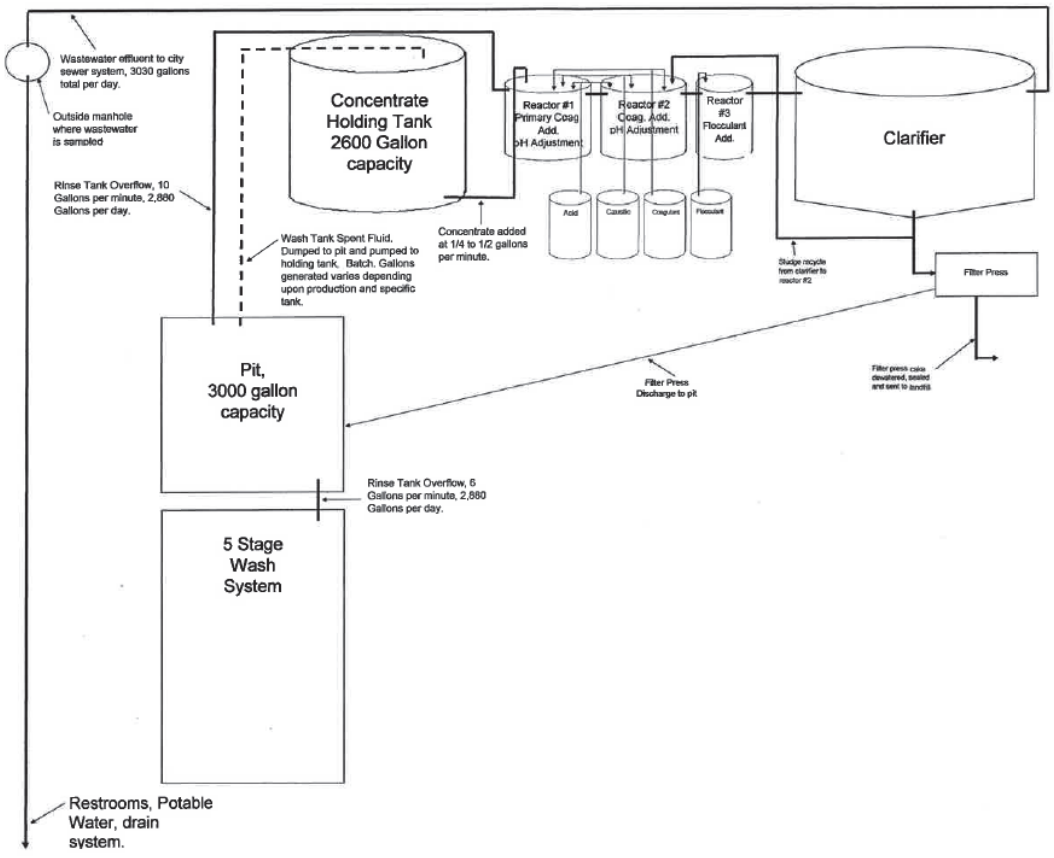
Component parts are cut from raw sheet metal by punch press and then formed by press brake (bent) to form the box. The box is spot welded together to form the outer shell of the enclosure, which is

then treated in a 5-stage wash system prior to powder coating. The powder coat is then cured, and the enclosures are assembled and shipped to the customer. Oil from the cutting and forming process is collected and disposed of by a contract company. Process wastewater comes from the 5-stage washing of the galvanized steel or aluminum enclosures, prior to powder coating. Facility personnel report that they are constantly adding fresh water to Tanks 2 and 4 to keep the conductivity below 1500 microsiemens for the rinse process. The 5-stages include:

- Tank 1: Cleaner, a solution of potassium hydroxide and sodium hydroxide
- Tank 2: Freshwater rinse
- Tank 3: Iron phosphate, a solution of phosphoric acid
- Tank 4: Freshwater rinse
- Tank 5: Final rinse, includes water and phosphoric acid and scaler

Wastewater pretreatment (see diagram below) includes flow equalization, chemical precipitation by adding calcium/magnesium to precipitate zinc, using sulfuric acid and sodium hydroxide to adjust pH, and sedimentation. The clarifier, at the end of the treatment process is sampled for zinc daily using Hach Zincon Method. This is the point at the end of the treatment process that is closest to the Control Authority's sample location, but it is inside the Milbank building.

The treatment tanks are emptied every six to ten weeks. Sludge from the tanks is dried and formed into filter cakes, profiled (in-house), and landfilled. The filter press is run once or twice a day; the sludge waste is characterized as non-hazardous. The floor drain trough is cleaned approximately once per year. The waste from the floor drain trough has been characterized as similar to the tank sludge, so is disposed of with the filter cakes.



Section II – OBSERVATIONS

Observation: 001

There is a flowmeter on the inflow to the pretreatment plant, but there is not a meter for the wastewater pretreatment effluent flow.

Observation #: 002

Other permits/controls held by or applicable to Milbank include:

- RCRA (Resource Conservation and Recovery Act) Hazardous Waste Conditionally Exempt Small Quantity Generator
- NPDES Stormwater
- Spill Prevention, Control, and Countermeasures Plan (SPCC)

Observation #: 003

The testing method that Milbank is using to sample for total zinc at the end of the pretreatment process is listed as an approved sample method in 40 CFR Part 136.3 Table 1B: “Colorimetric (Zincon)”. Compliance sample are required to be report to the control authority.

Observation #: 004

Compliance samples are collected by the Control Authority, from outside the Milbank building using ISCO autosamplers owned by the Control Authority.

Observation #: 005

Milbank has a Toxic Organic Pollutant Management Plan on file with The Control Authority, which must be certified semi-annually in March and September.

Observation #: 006

Milbank has a Slug Discharge Prevention Plan on file with The Control Authority.

Observation #: 007

On July 2, 2019, a high zinc level was recorded in the effluent sample collected by Control Authority. It was discovered that this was caused by solids flowing out of the clarifier. Control Authority personnel issued a letter to Milbank and resampled the effluent multiple times until it was determined that the levels were below the Control Authority’s Local Limit for zinc.

Observation #: 008

Milbank is required to comply with the following effluent limitations as shown in their IU permit with an effective date of October 1, 2020:

PARAMETER	MAXIMUM MONTHLY AVERAGE	DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
Cadmium	0.26	0.69	2/Year	24 Hour Composite
Chromium	1.71	2.77	2/Year	24 Hour Composite
Copper	2.07	3.38	2/Year	24 Hour Composite
Lead	.43	.69	2/Year	24 Hour Composite
Nickel	2.38	3.98	2/Year	24 Hour Composite
Silver	.24	.43	2/Year	24 Hour Composite
Cyanide, total	.65	1.20	2/Year	Grab
Zinc	1.48	2.61	1/Monthly	24 Hour Composite
T.T.O.	(B)	(B)	(B)	

(B) The IU has filed a Toxic Organic Management Plan with the Utility.

The effluent limitations in Milbank's permit are the categorical pretreatment standards as listed at 40 CFR Part 433.15, but the Control Authority was not able to explain why the permit does not include all Local Limits as shown in the Control Authority's Industrial Pretreatment Program, nor a waiver with an explanation as to the basis for excluding any pollutants:

Guideline Local Limits

Pollutant	Monthly Average Concentration, mg/l	Daily Maximum Concentration, mg/l
Arsenic	0.2	0.4
Cadmium	0.07	0.11
Chromium	1.71	2.77
Copper	2.07	3.38
Cyanide	0.65	1.20
Lead	0.43	0.69
Mercury	0.0003	0.0006
Molybdeum	0.2	0.4
Nickel	2.38	3.98
Selenium	0.10	0.20
Silver	0.24	0.43
Zinc	1.48	2.61

Observation #: 009

Drums full of sulfuric acid, caustic sodium hydroxide, and coagulant were sitting next to each other inside a soft-sided containment tray. The sides of the tray fold down for ease of drum replacement, and the tray sides were folded down at the time of this inspection. Sulfuric acid and sodium hydroxide are incompatible chemicals and should not be stored next to each other due to potential for violent exothermic reaction resulting in possible property damage, injury, or loss of life.

Photos:

Photo 1: IMG-20250115142216221622207125.jpg

Section III – EPA CLASSIFICATION OF THE INDUSTRIAL USER

Based on observations and information received during the inspection, the facility is subject to the following categorical regulations:

- Metal Finishing Point Source Category, found at 40 CFR Part 433. The Categorical Pretreatment Standards for Existing Sources (PSES) is found at 40 CFR Part 433.15.

Section III – AREAS OF CONCERN

AOC Reference #: 001
Requirement: 40 CFR Part 403.12(e)(1)
Any Industrial User subject to a categorical Pretreatment Standard … , after the compliance date of such Pretreatment Standard, … shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards
AOC:
All zinc testing that Milbank does according to the Colorimetric (Zincon) method is required to be submitted to the Control Authority in these semi-annual reports.

AOC Reference #: 002
Requirement: 40 CFR Part 403.12(e)(1)
… In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (b)(4) of this section except that the Control Authority may require more detailed reporting of flows.
AOC:
Flow rates have not been reported.

AOC Reference #: 003
Requirement: 40 CFR Part 433.12(a)
In lieu of requiring monitoring for TTO, … the control authority may allow dischargers to make the following certification statement: “Based on my inquiry of the person or persons directly responsible for managing compliance with the … pretreatment standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the … control authority. ... For indirect dischargers, the statement is to be included as a comment to the periodic reports required by 40 CFR Part 403.12(e).
AOC:
At the time of the inspection, the Control Authority was not able to provide bi-annual records of the TTO certification from Milbank. The only certification provided, was an unsigned certification from September 4, 2014.

Section IV – CLOSING CONFERENCE

EPA Region 6 inspectors conducted a closing conference with Milbank at the end of the inspection on 01/15/2025.

Section V – FOLLOW UP

No additional information was received by EPA after exiting the Facility on 01/15/2025.

Section VI – LIST OF APPENDICES

Appendix 1 – Photo Log – 1 photo taken 01/15/2025

Appendix 1
Photograph Log

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: Milbank Manufacturing Company		
City: El Dorado	County: Union	State: Arkansas

Photo File Name: IMG-20250115142216221622207125.jpg
Date of Photo: 01/15/2025
Time of Photo: 2:56 PM
Photographer: Amy Andrews
Description: Incompatible chemicals sulfuric acid and sodium hydroxide stored next to each, and without proper containment.

Appendix 6
Industrial User Inspection – Lycus, 01/15/2025

Region 6 - Enforcement & Compliance Assurance Division

INDUSTRIAL USER FACILITY INSPECTION REPORT

Inspection Date(s):	01/15/2025	Inspection Times:	2:44 PM to 2:40 PM
Media Program:	Water		
Regulatory Program:	CWA – NPDES Pretreatment – Industrial User		
Industrial User Company Name:	**Lycus Ltd.**		
Mailing address:	181 Cooper Dr.		
(city, state, zip code)	El Dorado, AR 71730		
Facility Physical Location:	181 Cooper Dr.		
(city, state, zip code)	El Dorado, AR 71730		
County/Parish:	Union County		
Facility Phone Number:	870-881-5000		
Facility Contact(s):	Wes Murray	Plant Manager	
	Mitchell Cole	Compliance Supervisor	
FRS Number:	110000451029		
EPA-Assigned Permit Number:	ARPIU0004		
NAICS:	325199: All Other Basic Organic Chemical Manufacturing		
SIC:	2869: Industrial Organic Chemicals		
Control Authority Name:	City of El Dorado/ El Dorado Water Utilities		
IU Permit Number:	007		
Control Authority Contact:	Kris Winder; Pretreatment Coordinator 870-862-7911		

Personnel participating in inspection:

Name	*Affiliation/mailcode*	*Title*	*OC[1]*	*CC[2]*
Amy Andrews, P.E.	USEPA/6ECD-WM	Lead Inspector/ Region 6 Pretreatment Enforcement Coordinator	X	X
Kenneth AuBuchon, P.E.	USEPA/6ECD-WM	Inspector/ Environmental Engineer	X	X
Silvia Zavala	USEPA/6WD-PN	WET/Pretreatment Environmental Scientist	X	X
Angelia Lamb	Arkansas Department of Energy and Environment	ADEQ Inspector	X	X
Kris Winder	El Dorado Water Utility	Pretreatment Coordinator	X	X
Amanda Gallagher	Alliance Technical Group (contractor for El Dorado Water Utility)	Senior Project Engineer	X	X
Wes Murray	Lycus Ltd.	Plant Manager	X	X
Mitchell Cole	Lycus Ltd.	Compliance Supervisor	X	X

1 – Personnel in attendance at Opening Conference (OC)
2 – CC = Personnel in attendance at Closing Conference (CC)

EPA Lead Inspector Signature/Date	AMY ANDREWS Digitally signed by AMY ANDREWS Date: 2025.06.16 13:29:51 -06'00'	
	Amy Andrews	Date
Supervisor Signature/Date	ROBERTO BERNIER Digitally signed by ROBERTO BERNIER Date: 2025.06.16 17:09:20 -05'00'	
	Roberto Bernier	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

Environmental Protection Agency (EPA) Region 6 Inspectors, Amy Andrews and Kenneth AuBuchon, as well as representatives from the City of El Dorado/El Dorado Water Utility (Control Authority), and the Arkansas Department of Energy and Environment, Division of Environmental Quality (ADEQ), as listed in the Attendees Table on page 1, arrived at Lycus Ltd (Lycus) at 2:44 PM on 01/15/2025 for an unannounced Significant Industrial User (SIU) Inspection. We presented our credentials to Mr. Cole and informed him that this was an EPA inspection as part of the Pretreatment Compliance Inspection (PCI) of the Control Authority, the City of El Dorado/El Dorado Water Utility's approved Pretreatment Program conducted under the authority of the NPDES permit program, in accordance with the Federal Clean Water Act (CWA), General Pretreatment Regulations at 40 Code of Federal Regulations (CFR) Part 403, and the Control Authority's National Pollutant Discharge Elimination System (NPDES) permit. This report is based on information supplied by Lycus representatives, observations made by the EPA inspector, and records and reports maintained by the Control Authority, the State of Arkansas, and the EPA.

The inspection of the facility provides current conditions of the facility's unit operations and included an evaluation of the waste streams generated from the unit operations, and management of these waste streams. The facility discharges to the sewer collection system leading to the Control Authority's Publicly Owned Treatment Works (POTW), also known as a wastewater treatment plant (WWTP).

FACILITY PROCESS DESCRIPTION

The facility located at 181 Cooper Dr., El Dorado, AR 71730, is a chemical plant that manufactures various benzophenone ultraviolet (UV) light absorbers and substituted aromatics for use in plastics, coatings, adhesives, polyester films, personal care product protection, and cosmetics. They also conduct toll and contract business. Added to a customer's formulation, the company's products preserve and enhance the color, adhesive bond or fragrance of the final product that could otherwise degrade with continued exposure to UV radiation. The company's key products include the MAXGARD® line of UV absorbers.

On the date of this inspection, Lycus was not operational due to an inability to acquire necessary raw materials and had been shut down since December 2, 2024. When the facility is operational, Lycus runs 24 hours per day, seven days per week, with 20 employees who work in four swing shifts.

Lycus began operations in 1988 as Garrison Industries, and by 1997, the company had developed its manufacturing process

for the line of MAXGARD® UV absorbers. Effective August 31, 2012, the company was purchased by John Sinclair Enterprises, LLC., and renamed Lycus Ltd.

At Lycus, the reactors are manual batch type and range in size from 4,000 to 11,000 liters, with varying temperature and pressure capabilities. The chemical manufacturing plant has stainless, HASTELLOY C, Monel, and glass lined reactors with internal and external heating/cooling capabilities and various multi-unit configurations. Other specialty equipment at includes three chiller systems that vary from +40 to -40 degrees C., crystallizers, filters, centrifuges, driers and grinders. Infrastructure equipment includes scrubbers, cooling towers, chillers, boilers, vacuum systems and solids handling equipment.

The benzophenone process consists of producing substituted benzophenones (2,2',4,4'-tetrahydroxybenzophenone) by reacting substituted aromatic compounds (i.e., resorcinol, beta-resorcylic acid, etc) in a non-polar solvent (i.e., xylene, ethylene dichloride) in the presence of a Lewis acid (i.e., aluminum chloride). The substituted aromatics process consists of producing substituted aromatics (beta-resorcylic acid, anthranilamide, O-Anisoyl chloride, 1,3-dimethoxybenzene) by reacting substituted aromatic along with other reactants (i.e., ammonia, thionyl chloride, methylation agents, etc.) in a non-polar (i.e., xylene, ethylene dichloride, etc.) or polar (water) in the presence of a Lewis acid or base (i.e., aluminum chloride). An additional by-product process recovers a water-based solution from the production of substituted benzophenones prior to being mixed with a hazardous waste stream. The recovered water solution compounds can be altered and used in oil field production and well maintenance.

Process wastewater from the MAXGARD-1000 (MG-1000; a benzophenone) Centrifuge rundown is discharged to the Control Authority, in addition to boiler tank blowdown. The centrifuge rundown comes from reactor tank RA-1, and a condensate tank. The process wastewater is "cooked", and pH adjusted prior to sending to the Control Authority. The MG-1000 production process is produced in batches, and each batch production campaign runs somewhere between 30 to 45 days in length.

Section II – OBSERVATIONS

Observation: 001
Lycus has a flowmeter on the effluent flow to the Control Authority and states that they submit monthly flow reports to the Control Authority, although the Control Authority does not keep these flow rates in their Lycus file.

Observation #: 002
Other permits/controls held by or applicable to Lycus include: • Clean Air Act Title V (3,500,000 pounds per year limit) • RCRA (Resource Conservation and Recovery Act) Hazardous Waste Large Quantity Generator • NPDES Stormwater • Spill Prevention, Control, and Countermeasures Plan (SPCC)

Observation: 003

Additional MAXGARD (MG) products produced that may not contribute to the process wastewater going to the Control Authority include:

- MG-300 (2,2'-dihydroxy-4,4'-dimethoxybenzophenone)
- MG-400 (2,4-dihydroxybenzophenone)
- MG-500 (2-hydroxy-4-methoxybenzophenone)
- MG-600 (mixture of MG-500 and MG-700)
- MG-700 (2-hydroxy-4-octoxybenzophenone)
- MG-800 (2-hydroxy-4-isooctoxybenzophenone)
- MG-900 (2,2'-dihydroxy-4-methoxybenzophenone)
- MG-1030 (mixture of MG-1000 and MG-300)
- MG-1800 (Sulfonated MG-300)
- MG-DPA-2 (2-ethyl-2-cyano-3,3'-diphenylacrylate)
- MG-DPA-8 (2-ethylhexyl-2-cyano-3,3'-diphenylacrylate)

Observation #: 004

Raw materials used at Lycus include: activated carbon, aluminum chloride, o-anisic acid, anisoyl chloride, aqua ammonia, benzotrichloride, boron trifluoride, b-resorcylic acid, chlorosulfonic acid, citric acid, clay, rDME, DMF, EDC, HCl, IPA, methanol, methyl chloride, oxalic acid, phosgene, phosphoric acid, potassium chloride, resorcinol, soda ash, sodium bicarbonate, sodium chloride, sodium hydroxide solution, sodium metabisulfite, sodium sulfate, sulfuric acid, thionyl chloride, toluene, water, xylene, and zinc.

Observation #: 005

Chemicals reported by Lycus as being manufactured, processed, or otherwise used in quantities above the reporting threshold in the EPA Toxics Release Inventory (TRI) for 2023 include the following:

- 1,2-Dichloroethane
- Boron trifluoride
- Dimethyl sulfate
- Methanol
- N,N-Dimethylformamide
- Phosgene
- Xylene (mixed isomers)

Observation #: 006

Facility personnel report that on the day of the inspection, there were hazardous chemicals sitting on the production floor, but they had plans with Clean Harbors for proper disposal.

Observation #: 007

Compliance samples are collected by the Control Authority using ISCO autosamplers owned by the Control Authority. Samples are collected outside the Lycus building from piping which leads from inside a containment berm to the Control Authority's collection system.

Observation #: 008

Lycus does not have a Slug Discharge Prevention Plan on file with the Control Authority, but states that they follow the Slug Control requirements in the Control Authority's Sewer Use Ordinance.

Observation #: 009

In the permit application that Lycus submitted to the Control Authority on 08/25/2015 (the most recent application submitted), they reported that they generate and discharge the following wastewaters (in estimated average gallons per day):

Process Description	Flows (gpd)
Domestic wastes (restrooms, employee showers, etc.)	350
Cooling water, non-contact	350
Boiler/Tower blowdown	200
Process	6,000
Equipment/Facility Wash-down	1,600
Air Pollution Control Unit	1,300
Other (Condensate)	3,800

Waters are discharged to the following locations (in estimated average gallons per day):

Location	Flows (gpd)
Sanitary Sewer	9,200
Surface Water	50
Waste Haulers	4,350

Observation #: 008

Pollutants that are known to be present in in Lycus's effluent include:

- Volatile Organic Compounds:
  - 1,2-dichloroethane,
  - Ethylbenzene
  - Bromodichloromethane
  - Bromoform
  - Dibromochloromethane
  - Vinyl chloride
  - Methyl chloride (chloromethane)
- Metals
  - Zinc
- Total phenols

Observation #: 010

Lycus is required to comply with the following effluent limitations as shown in their IU permit with an effective date of October 1, 2020:

PARAMETER	MAXIMUM MONTHLY AVERAGE	DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
Volatile Organic Acids	---	---	1/Month	Grab
Base Neutrals	---	---	2/Year	Grab
Phenols, Total	---	---	2/Year	Grab
Zinc	1.48	2.61	2/Year	Grab
PH (B)	---	6 - 9	1/Month	Grab

The Control Authority was unable to explain why the IU's permitted limits do not include all Local Limits as shown in the Control Authority's Industrial Pretreatment Program, nor a waiver with an explanation as to the basis for excluding any pollutants:

Guideline Local Limits

Pollutant	Monthly Average Concentration, mg/l	Daily Maximum Concentration, mg/l
Arsenic	0.2	0.4
Cadmium	0.07	0.11
Chromium	1.71	2.77
Copper	2.07	3.38
Cyanide	0.65	1.20
Lead	0.43	0.69
Mercury	0.0003	0.0006
Molybdeum	0.2	0.4
Nickel	2.38	3.98
Selenium	0.10	0.20
Silver	0.24	0.43
Zinc	1.48	2.61

Section III – EPA CLASSIFICATION OF THE INDUSTRIAL USER

Based on observations and information received during the inspection, the facility is subject to the following categorical regulations:

- Organic Chemicals, Plastics, and Synthetic Fibers Point Source Category, found at 40 CFR Part 414, Subpart H. The Categorical Pretreatment Standards for New Sources (PSNS) is found at 40 CFR Part 414.86, and the facility must achieve discharges in accordance with 40 CFR Part 414.111.

Section III – AREAS OF CONCERN

AOC Reference #: 001
Requirement: 40 CFR Part 403.12(e)(1)
Any Industrial User subject to a categorical Pretreatment Standard … , after the compliance date of such Pretreatment Standard, … shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. … In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (b)(4) of this section except that the Control Authority may require more detailed reporting of flows.
AOC 001: At the time of this inspection, biannual reports were due to the Control Authority.

AOC Reference #: 002
Requirement: City of El Dorado Pretreatment Industrial User Permit 007, Part II: 1.
PART II – SPECIAL CONDITIONS 1. The intent of this permit is to only authorize the discharge of domestic wastewater and the aforementioned holding tank (consisting of boiler blowdown, cooling tower blowdown, and condensate wastewater). No process wastewater shall be accepted. Introduction of any other wastewater without prior POTW approval shall be cause for immediate revocation of this permit and termination of sewer services.
AOC 002: At the time of this inspection, process wastewater is being discharged to the Control Authority.

Section IV – CLOSING CONFERENCE

EPA Region 6 inspectors conducted a closing conference with Lycus at the end of the inspection on 01/15/2025.

Section V – FOLLOW UP

No additional information was received by EPA after exiting the Facility on 01/15/2025.

Section VI – LIST OF APPENDICES

Appendix 1 – Photo Log – 2 photos taken 01/15/2025

Appendix 1
Photograph Log

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: Lycus Ltd.		
City: El Dorado	County: Union	State: Arkansas

Photo File Name: IMG_0154.jpg
Date of Photo: 01/15/2025
Time of Photo: 3:35 PM
Photographer: Kenneth AuBuchon
Description: Containment berm outside Lycus with piping to Control Authority collection system.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: Lycus Ltd.		
City: El Dorado	County: Union	State: Arkansas

Photo File Name: IMG_0155.jpg
Date of Photo: 01/15/2025
Time of Photo: 3:37 PM
Photographer: Kenneth AuBuchon
Description: Containment berm outside Lycus with piping to Control Authority collection system.

Appendix 7
Industrial User Inspection – Delek U.S. (Lion Oil), 01/16/2025

EPA United States Environmental Protection Agency	**Region 6 - Enforcement & Compliance Assurance Division** **INDUSTRIAL USER FACILITY INSPECTION REPORT**

Inspection Date(s):	01/16/2025	Inspection Times:	8:05 AM to 11:00 PM
Media Program:	Water		
Regulatory Program:	CWA – NPDES Pretreatment – Industrial User		
Industrial User Company Name:	**Delek US – El Dorado Refinery (Lion Oil)**		
Mailing address:	1000 McHenry Street		
(city, state, zip code)	El Dorado, AR 71730		
Facility Physical Location:	1000 McHenry Street		
(city, state, zip code)	El Dorado, AR 71730		
County/Parish:	Union County		
Facility Phone Number:	870-862-8111		
Facility Contact(s):	Mitch Colvin	Environmental Manager	
	Adam Buchanan	Environmental Specialist	
FRS Number:	110017419667		
EPA-Assigned Permit Number:	ARPIU0002		
NAICS:	324110: Petroleum Refineries		
SIC:	2911: Petroleum Refining		
Control Authority Name:	City of El Dorado/ El Dorado Water Utilities		
IU Permit Number:	008		
Control Authority Contact:	Kris Winder; Pretreatment Coordinator 870-862-7911		

Personnel participating in inspection:

Name	*Affiliation/mailcode*	*Title*	*OC[1]*	*CC[2]*
Amy Andrews, P.E.	USEPA/6ECD-WM	Lead Inspector/ Region 6 Pretreatment Enforcement Coordinator	X	X
Kenneth AuBuchon, P.E.	USEPA/6ECD-WM	Inspector/ Environmental Engineer	X	X
Silvia Zavala	USEPA/6WD-PN	WET/Pretreatment Environmental Scientist	X	X
Angelia Lamb	Arkansas Department of Energy and Environment	ADEQ Inspector	X	X
Kris Winder	El Dorado Water Utility	Pretreatment Coordinator	X	X
Amanda Gallagher	Alliance Technical Group (contractor for El Dorado Water Utility)	Senior Project Engineer	X	X
Mitch Colvin	Delek US	Environmental Manager	X	X
Adam Buchanan	Delek US	Environmental Specialist	X	X

1 – Personnel in attendance at Opening Conference (OC)
2 – CC = Personnel in attendance at Closing Conference (CC)

EPA Lead Inspector Signature/Date	AMY ANDREWS Digitally signed by AMY ANDREWS Date: 2025.06.16 13:28:45 -06'00'	
	Amy Andrews	Date
Supervisor Signature/Date	ROBERTO BERNIER Digitally signed by ROBERTO BERNIER Date: 2025.06.16 17:06:10 -05'00'	
	Roberto Bernier	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

Environmental Protection Agency (EPA) Region 6 Inspectors, Amy Andrews and Kenneth AuBuchon, as well as representatives from the El Dorado Water Utility, and the Arkansas Department of Energy and Environment, Division of Environmental Quality (ADEQ), as listed in the Attendees Table on page 1, arrived at Delek US – El Dorado Refinery, previously Lion Oil (Delek) at 8:05 AM on 01/16/2025 for an unannounced Significant Industrial User (SIU) Inspection. We presented our credentials to Mr. Colvin and informed him that this was an EPA inspection as part of the Pretreatment Compliance Inspection (PCI) of the Control Authority, the City of El Dorado/El Dorado Water Utility's approved Pretreatment Program conducted under the authority of the NPDES permit program, in accordance with the Federal Clean Water Act (CWA), General Pretreatment Regulations at 40 Code of Federal Regulations (CFR) Part 403, and the Control Authority's National Pollutant Discharge Elimination System (NPDES) permit. This report is based on information supplied by Delek representatives, observations made by the EPA inspector, and records and reports maintained by the Control Authority, the State of Arkansas, and the EPA.

The inspection of the facility provides current conditions of the facility's unit operations and included an evaluation of the waste streams generated from the unit operations, and management of these waste streams. The facility discharges to the sewer collection system leading to the Control Authority's Publicly Owned Treatment Works (POTW), also known as a wastewater treatment plant (WWTP).

FACILITY PROCESS DESCRIPTION

The facility located at 1000 McHenry St., El Dorado, AR 71730, is a petroleum refinery. The refinery processes 80,000 barrels per day and began refining in 1922. The plant and was renamed from Lion Oil to Delek in 2014. The refinery is a continuous cracking refinery which distills purchased naptha, natural gasoline, condensate, and crude oil to produce five basic feed stocks: light straight run naptha, straight run naptha, straight run kerosene, straight run diesel, gas oils, and vacuum bottoms. Feed stocks are further processed to lower the sulfur content and improve octane ratings, which results in a by-product of elemental sulfur and sodium hydrosulfide. Final refinery products are stored in tanks before being distributed via tank truck, railcar, or pipeline. Delek has 250 employees, and they run the refinery 24 hours per day, 7 days per week, on two 12-hour shifts.

Delek does not discharge process wastewater to the Control Authority from the refining process, as they have an individual NPDES permit (AR0000647) that allows them to discharge process wastewater to the Ouachita River Pipeline (AR0050296). Delek has two separate non-process industrial waste discharges to the Control Authority:

1) from two groundwater extraction wells from under the refinery, combined with sanitary wastewater from the refinery control room (see Photo 1). The recovered groundwater and control room sanitary wastewater tie into a gravity sewer on the refinery property.
2) landfill leachate from an onsite landfill referred to as Corrective Action Management Unit (CAMU) 2. The CAMU-2 leachate is collected from the landfill used to store the filter cake that is the end product of the process which includes the dredging of the Main Holding Pond, biological treatment of the sludge, and then dewatering of the sludge in a centrifuge. This leachate is collected and pumped to the containment pond located adjacent to the southwest corner of the CAMU-2 landfill (see Photo 2).

Section II – OBSERVATIONS

Observation: 001
The currently active permit issued by the Control Authority with an effective date of October 1, 2020, and an expiration date of September 30, 2025, was issued to “Lion Oil”, rather than “Delek El Dorado Refinery.” Lion Oil was acquired by Delek US Holdings Inc in 2011, and the name was officially changed to Delek El Dorado Refinery in 2014.

Observation #: 002

Other permits/controls held by or applicable to Delek include:

- NPDES Individual Industrial Discharger Permit AR0000647
- NPDES Ouachita River Joint Pipeline Permit AR0050296
- RCRA (Resource Conservation and Recovery Act) Hazardous Waste Large Quantity Generator
- NPDES Stormwater
- Spill Prevention, Control, and Countermeasures Plan (SPCC)

Observation: 003

Regulated wastes generated at the Delek facility include the following:

D001 – ignitable
D003 – reactive
D009 – mercury toxicity
D018 – benzene toxicity
D035 – methyl ethyl ketone toxicity
F002 – spent halogenated solvents that are not used in degreasing operations
F003 – spent non-halogenated solvents including xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol
F005 – spent non-halogenated solvents including toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane
F037 – Petroleum refinery primary oil/water/solids separation sludge
F038 – Petroleum refinery secondary (emulsified) oil/water/solids separation sludge
K048 – Dissolved air flotation (DAF) float from the petroleum refining industry
K049 – Slop oil emulsion solids from the petroleum refining industry
K050 – Heat exchanger bundle cleaning sludge from the petroleum refining industry

Observation #: 004

Delek does not collect their own compliance samples for their IU permit. Samples are collected by the Control Authority, from internal outfall locations on the refinery property using ISCO autosamplers owned by the Control Authority.

Photo(s):

Photo 1: IMG-20250116095731573132863 41.jpg
Photo 2: IMG-20250116101930193056643 47.jpg

Observation #: 005

Delek is required to comply with the following effluent limitations as shown in their IU permit for CAMU Leachate Discharge with an effective date of October 1, 2020:

PARAMETER	MAXIMUM MONTHLY AVERAGE Mg/L.	DAILY MAXIMUM Mg/L.	SAMPLE FREQUENCY	SAMPLE TYPE
Arsenic	0.2	0.4	Semi Annually	Grab
Cadmium	0.07	0.11	Semi Annually	Grab
Chromium	1.71	2.77	Semi Annually	Grab
Copper	2.07	3.38	Semi Annually	Grab
Cyanide	0.65	1.20	Semi Annually	Grab
Lead	0.43	.69	Semi Annually	Grab
Mercury	.0003	.0006	Semi Annually	Grab
Molybdenum	0.2	0.4	Semi Annually	Grab
Nickel	2.38	3.98	Semi Annually	Grab
Selenium	0.10	0.20	Semi Annually	Grab
Zinc	1.48	2.61	Semi Annually	Grab
Base Neutrals And Acid Compounds	---	---	Semi Annually	Grab
Organophosphorus Pesticides	---	---	Semi Annually	Grab
Organochlorine Pesticides and PCB's	---	---	Semi Annually	Grab
Volatile Organic Compounds	---	---	Semi Annually	Grab
Total Phenolics	---	---	Semi Annually	Grab

The Control Authority was unable to explain why several of these pollutants are sampled but have no limits, or why the permitted effluent limits do not include all Local Limits as shown in the City of El Dorado Industrial Pretreatment Program, nor a waiver with an explanation as to the basis for excluding any pollutants:

Guideline Local Limits

Pollutant	Monthly Average Concentration, mg/l	Daily Maximum Concentration, mg/l
Arsenic	0.2	0.4
Cadmium	0.07	0.11
Chromium	1.71	2.77
Copper	2.07	3.38
Cyanide	0.65	1.20
Lead	0.43	0.69
Mercury	0.0003	0.0006
Molybdeum	0.2	0.4
Nickel	2.38	3.98
Selenium	0.10	0.20
Silver	0.24	0.43
Zinc	1.48	2.61

Observation #: 006

Delek is required to comply with the following effluent limitations as shown in their IU permit for SSI Recovered Groundwater with an effective date of October 1, 2020:

PARAMETER	MAXIMUM MONTHLY AVERAGE mg/L.	DAILY MAXIMUM mg/L.	SAMPLE FREQUENCY	SAMPLE TYPE
Arsenic	0.02	0.4	Semi Annually	Grab
Lead	0.43	0.69	Semi Annually	Grab
Mercury	0.0003	0.0006	Semi Annually	Grab
Base Neutrals And Acid Compounds	---	---	Semi Annually	Grab
Organophosphorus Pesticides	---	---	Semi Annually	Grab
Organochlorine Pesticides and PCB's	---	---	Semi Annually	Grab
Volatile Organic Compounds	---	---	Semi Annually	Grab
Total Phenolics	---	---	Semi Annually	Grab

The Control Authority was unable to explain why several of these pollutants are sampled but have no limits, nor why the permitted effluent limits do not include all Local Limits as shown in the City of El Dorado Industrial Pretreatment Program, nor a waiver with an explanation as to the basis for excluding any pollutants:

Guideline Local Limits

Pollutant	Monthly Average Concentration, mg/l	Daily Maximum Concentration, mg/l
Arsenic	0.2	0.4
Cadmium	0.07	0.11
Chromium	1.71	2.77
Copper	2.07	3.38
Cyanide	0.65	1.20
Lead	0.43	0.69
Mercury	0.0003	0.0006
Molybdeum	0.2	0.4
Nickel	2.38	3.98
Selenium	0.10	0.20
Silver	0.24	0.43
Zinc	1.48	2.61

Section III – EPA CLASSIFICATION OF THE INDUSTRIAL USER

Based on observations and information received during the inspection, the facility is not considered a categorical industrial user but is considered a Significant Industrial User of the El Dorado POTW.

Section III – AREAS OF CONCERN

AOC Reference #: 001
Requirement: 40 CFR 403.12(h)
Reporting requirements for Industrial Users not subject to categorical Pretreatment Standards. The Control Authority must require appropriate reporting from those Industrial Users with Discharges that are not subject to categorical Pretreatment Standards. Significant Non-categorical Industrial Users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User.
AOC: At the time of this inspection, biannual reports were due to El Dorado Water Utilities.

Section IV – CLOSING CONFERENCE

EPA Region 6 inspectors conducted a closing conference with Delek at the end of the inspection on 01/16/2025.

Section V – FOLLOW UP

No additional information was received by EPA after exiting the Facility on 01/16/2025.

Section VI – LIST OF APPENDICES

Appendix 1 – Photo Log – 2 photos taken 01/16/2025

Appendix 1
Photograph Log

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: Delek / El Dorado Refinery (Lion Oil)		
City: El Dorado	County: Union	State: Arkansas

Photo File Name: IMG-20250116095731573132863 41.jpg

Date of Photo: 01/16/2025

Time of Photo: 9:57 AM

Photographer: Amy Andrews

Description: Compliance sample location, from the groundwater extraction wells.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: Delek / El Dorado Refinery (Lion Oil)		
City: El Dorado	County: Union	State: Arkansas

Photo File Name: IMG-20250116101930193056643 47.jpg
Date of Photo: 01/16/2025
Time of Photo: 10:19 AM
Photographer: Amy Andrews
Description: Landfill leachate collection pond.