STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

February 10, 2017

The Honorable Chad Keen
Mayor
City of Bristol, Tennessee
801 Anderson Street
Bristol, TN 37620

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT # 7196 9008 9111 3808 7767

Re: Pretreatment Audit Inspection
Bristol Pretreatment Program
NPDES Permit No. TN0023531
Sullivan County
Notice of Violation

Dear Mayor Keen:

The Division of Water Resources (Division) appreciates the cooperation of Severn Trent Services' staff, on behalf of the City of Bristol, Tennessee, on September 21 and 22, 2016, when Mr. Robert Tipton and Ms. Laurel Rognstad conducted a Pretreatment Audit Inspection of Bristol's industrial pretreatment program. The comments below are based on the results of the inspection.

1. Dynamic Recycling, LLC (Dynamic Recycling) has had recurring violations of BOD, COD, total phenols, and pH for the past few years. The industry was issued a Compliance Order at the end of 2014, which it failed to meet. Dynamic Recycling had previously been hauling waste from a facility in Abingdon, Virginia. The industry has constructed a new production facility in Bristol, Tennessee, and permit violations have continued since operation began in early 2016. Furthermore, high strength BOD caused Bristol to violate their NPDES permit. The NPDES permit violations coincided with BOD violations at Dynamic Recycling. However, the only enforcement actions taken since Bristol issued the Compliance Order in 2014 have been Notices of Violation (NOVs) and publication of significant non-compliance (SNC). Therefore, this letter serves as a Notice of Violation for failure to escalate enforcement. Bristol should take appropriate actions to follow the City's Enforcement Response Plan (ERP) to escalate enforcement. It is Ms. Rognstad's understanding that the City is drafting an Order of Assessment in order to escalate enforcement. Please keep this office updated on Bristol's enforcement actions taken for Dynamic Recycling.

2. During the inspection, Dynamic Recycling's inspection forms were reviewed. Inspections were conducted on April 5, 2013, and again on August 22, 2014. As a result, there were more than 16 months between documented inspections at Dynamic Recycling. Per Tennessee Rule 0400-40-14-.08(6)(b)5., significant industrial users (SIUs) are required to be inspected at least once every 12

months. As discussed during the audit, please ensure that Bristol is inspecting industries at the required frequency in the City's approved pretreatment program.

3. During the oversight inspection at Bristol Metals, Inc. (Bristol Metals), industry representatives described their method of disposal of wastewater from the silver recovery unit, which is part of the x-ray film processing system. It is our understanding that the industry collects the waste in a 55-gallon drum and collects samples for silver analysis when the drum is full. The industry then discharges the waste to a toilet at a flow rate dependent on the silver concentration. Documentation showed that the industry provided Bristol with the operating procedure for collection, analysis, and discharge of silver waste, and the permit for Bristol Metals reflects the silver waste discharge. However, this process wastewater needs to be included in self-monitoring and compliance monitoring samples of Bristol Metals' discharge, and dilution with sanitary wastewater is not an appropriate method of disposal. Bristol should take appropriate actions to ensure the industry's silver waste is discharged in such a way that it can be appropriately sampled.

4. Bristol currently has agreements to accept wastewater from Bluff City, Tennessee, and Washington County, Virginia. Since Bristol is currently in the process of making the required streamlining changes to the legal authority, these agreements should be reviewed to ensure that they are consistent with the streamlining changes.

5. During the audit, Mr. Kalkwarf, the Industrial Monitoring Program Manager, and TDEC staff discussed the elements of a conducting an industrial inspection. We recommend conducting a file review during each inspection to ensure that the industry is maintaining records as required by the industrial user permit.

6. No confidential information is currently kept in Bristol's pretreatment section. Additionally, Bristol has not had a request by the public to review files. During the audit, handling of confidential information and public requests to view files was discussed. Plans for keeping confidential information and handling public requests need to be developed in case the need arises. As discussed, we recommend checking with Bristol's City Hall to see if procedures are available for handling confidential information and public requests to review files.

7. As part of the audit, oversight inspections were conducted at Dynamic Recycling, Bristol Metals, and Shearer's Foods, Inc. (Shearer's Foods). At Dynamic Recycling, TDEC staff observed an open floor drain in the oil/water separator room. Additionally, another open drain was observed next to the discharge flume. The industry representative thought these drains may go to the sanitary sewer, but was unsure. Bristol should take appropriate steps to investigate where these drains lead and require the industry to plug any drains to the sewer or install secondary containment as necessary.

8. During the audit, the industrial user files and permits for Dynamic Recycling and Shearer's Foods were reviewed.

    a. Both permits require 24-hour composite sampling for some parameters. However, the type of composite sample collection is not clearly indicated in either permit. Per Tennessee Rule 0400-40-14-.12(7)(c), 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be

documented in the industrial user file for that facility or facilities. As discussed during the audit, Bristol should ensure that composite samples are being obtained through flow-proportional composite sampling, unless time-proportional or grab sampling is representative of the discharge and documented in the industrial file. If time-proportional or grab sampling is authorized, the rationale for this decision should be kept in the pretreatment files for the industry. Bristol should also revise the permits to clearly indicate the type of composite sampling required.

b. Shearer's Foods' permit requires daily flow to be recorded by a continuous effluent flow metering device. During the oversight inspection at the industry, the representative indicated that the facility does not have an effluent flow monitoring device. Additionally, Addendum III of the permit is a compliance schedule requiring installation of a flow monitoring device. However, there is no date for compliance in the schedule. Bristol should either take appropriate actions to ensure the flow requirements of the permit and compliance schedule are enforced, or revise the permit and compliance schedule to reflect intended operations at the facility. Additionally, please ensure all future schedules clearly indicate a time frame for compliance.

c. Tennessee Rule 0400-40-14-.12(7)(b) requires the industrial user to notify the Control Authority within 24 hours of becoming aware of the violation. During the audit, no documentation of Dynamic Recycling notifying Bristol of violations could be found. As discussed during the audit, Bristol should take appropriate steps to ensure that in the future, all SIUs notify the City within 24 hours of becoming aware of a violation. Additionally, please ensure all notifications are properly documented.

d. It was not clear from Bristol's files whether a slug control plan evaluation has been conducted at the new Dynamic Recycling facility. Please take appropriate steps to ensure that a slug control plan evaluation is conducted at Dynamic Recycling and documented in Bristol's pretreatment files for the industry.

e. The permit for Dynamic Recycling requires samples to be "obtained from the discharge of the Parshall flume downstream of all treatment processes." However, it is not clear where the Parshall flume is located with respect to the entire facility. We recommend revising the permit to more clearly indicate the required sampling location when the permit is reissued.

f. Both permits require the industry to include "all monitoring results" in the monthly monitoring reports. This statement could be interpreted as a requirement to report all monitoring, including in-house testing and process monitoring. Tennessee Rule 0400-40-14-.12(7)f. requires an industrial user to report any additional monitoring of a regulated pollutant at the appropriate sampling location using procedures prescribed in 40 CFR Part 136 or any other test procedures approved by the EPA. If Bristol does not wish to require the industries to submit the results of all in-house monitoring, the provision for the appropriate sampling location and test procedure should be added to the permits.

g. Dynamic Recycling and Shearer's Foods are classified as significant non-categorical industries. The use of "new" and "existing" source applies only to categorical industrial users (CIUs). Please remove the designation of new or existing source from the permits for non-categorical industrial users when the permits are reissued.

We appreciate the effort that has been put into Bristol's pretreatment program. Please provide this office, by March 17, 2017, a written description of the actions the City will take to address these comments. If you have any questions, please do not hesitate to contact Laurel Rognstad at (615) 532-8786 or Laurel.Rognstad@tn.gov.

Sincerely,

Jessica Murphy
Manager
Compliance and Enforcement Unit

cc: Mr. Robert Tipton – Division of Water Resources, Johnson City EFO
Mr. Bill Sorah – City Manager, City of Bristol, Tennessee
Mr. Timothy Beavers – Director of Public Works, City of Bristol, Tennessee
Mr. Philip King – Director of Water & Wastewater Engineering, Bristol Virginia Utilities Authority
Mr. Matthew Dake – Severn Trent Services
Mr. Mark Kalkwarf – Severn Trent Services