

US EPA ARCHIVE DOCUMENT

MEMORANDUM

TO: Robert Hogrefe, P.E.
Pretreatment Program Manager
City of Albuquerque

FROM: Adele Cardenas
XL/Reinvention Coordinator
Compliance Assurance and Enforcement Branch

DATE: April 28, 1999

SUBJECT: City of Albuquerque Project XL Program - Formal Submission - Final Project Agreement

The following are comments compiled from our Project XL team members which include: Region 6, Office of General Counsel, Office of Enforcement & Compliance Assurance, Office of Reinvention and the Office of Water. The Agency would like to acknowledge the City staff who prepared the formal proposal for our review. These comments will be discussed on our conference call scheduled for April 29, 1999.

Page 6 - Paragraph B

Please make clear why this paragraph mentions four parties to the XL project, and why the State of New Mexico is not one of them. Is this the intention that the City of Albuquerque had in preparing this document or will the State support this project as a sponsor?

Page 6 - Sentence 2

Please correct sentence two to say that POTW applies their local limits, or categorical standards for applicable IUs if they are more stringent.

Page 7 - "Why Regulatory Relief"

Please clarify and explain why the reduction of monitoring and reporting was selected to as a part of this project and explain the connection of the environmental benefit to the City Of Albuquerque POTW. Also clarify mechanism to be utilized for those covered in this project and how they were screened to participate?

Please clarify as to the reason for the outlined activities in this section. We may suppose that it is because they are otherwise classified as "de minimus" users, please make a clear statement.

Page 7 - Numbers 1 - 3

Please clarify and explain how you will “modify” as referenced in sentences 1 and 2.

Please clarify and explain the statement “consider the use of general permits where possible” is vague. Please provide more specificity in terms of what actions will be taken.

Please provide how the City intends to issue general permits to its industrial users, is this an existing mechanism and if so please reference local requirements or policies that should demonstrate the existing mechanism in place. How does or will the City keep track of the number of entities contributing to influent to the POTW, and the nature of the pollutant loadings contained within that influent. This information is unclear to those not familiar with your existing system.

Page 8 - Sentence Numbered “4.”

Please clarify how the City’s proposal to modify the annual publication requirement will permit it to avoid notifying the public of those IUs achieving SNC status, and could therefore reduce the incentive of those IUs to comply with the limits imposed upon them by the POTW. Will the City address through an existing mechanism for notification of the public of SNC status? (Note Blue Book - Would recommend making an appendix to FPA)

Page 9 - Paragraph 2

Page 11- (2)(a) Proposed changes

Please clarify and explain the first sentence beginning at “broader consideration of potential discharges of pollutants.” Unclear of intent.

Page 12 - (2)(b)(1)

The term “di minimus” requires definition. If it has the same meaning as “de minimus”, we should still clarify what de minimus means (does it refer to a specific numerical value?)

Page 12 - (2)(b)(2)

Please explain and clarify how you will “modify” as used in this sentence.

Page 13 - (2)(i) - Detailed description of expected benefits -Note change letter case to lower case.

Please explain what is going to generate all of the benefits and what they are or reference where in the FPA this is documented.

Page 14 - (2)(i)(2)

Please define what the numeric estimate is for demonstrating an effective pollution prevention program that is implemented by the City. (Note: incorporate the with XL/without XL section or note in Blue Book)

Page 19 - 20

A number of [#’s] and [?] need to be filled by the parties as negotiated. Also note that statutory sightings need to added were appropriate such as (c)(1) page 19 first paragraph first sentence add “and Parts 123 & 124” between “regulations deferred”.

Remove from second paragraph on page 19 (c)(2) period following “Section” and remove word “sufficiently” following “Project”.

Page 21 (9)(c) top of page

Please add “and” after “EPA”.

Enforcement Screening of Industrial Users:

Please include a statement in the FPA that explains how the City will address enforcement screening of those industrial users participating in this project. Will an agreement of any kind be utilized to address the commitment of those industrial users participating with a notice of how non-compliance will be addressed for purposes of this project.

Additional Historical Perspective-

Please provide in the FPA how much historical information has been collected and how it will be utilized to assist in the development of the baseline for this project. Any additional information on how the City intends to utilize past historical information would be beneficial to those not familiar with your POTW.