

November 13, 2017

VIA EMAIL Matt.Thomas@Cityofhenderson.com and VIA US MAIL

City of Henderson

Department of Utility Services

240 Water St.

PO Box 95050

Henderson, NV 89009-5050

ATTN: Matt Thomas, Pretreatment Supervisor MSC #814

RE: Proposed Pretreatment Regulations, City of Henderson

Dear Mr. Thomas,

I am the Plant Manager at our Company's Henderson, NV facility located at 350 Fourth Street. This facility has been located in Henderson for 76 years and is owned by Olin Corporation. We employ 18 full time employees at the Henderson site in plant operations and an additional 16 drivers are based at the plant who deliver our products. Our total, annual economic impact is over \$9 million, considering taxes paid, salaries, and amounts spent with Nevada vendors. In the last year, we have also made over \$20,000 in charitable contributions directly benefitting the Henderson community. The Henderson plant is a terminal for Hydrochloric Acid, Sodium Hydroxide and Chlorine as well as a manufacturer of Sodium Hypochlorite.

We have reviewed the proposed Pretreatment Regulations and thank you for the opportunity to comment:

1. We are interested in the City's assessment of the estimated economic effect of the proposed Pretreatment Regulations on local businesses in Henderson, both direct and indirect. Specifically, has the City analyzed the potential costs to businesses associated with the new requirements in the proposed Pretreatment Regulations?
2. Please comment on the estimated costs to the City of Henderson associated with implementing and enforcing the new Pretreatment Regulations. What are the potential additional costs associated with the new requirements in the proposed Pretreatment Regulations and how will the City fund those costs?
3. The City has provided a document comparing Industrial Waste Discharge Limits. This document shows a change in permit limits for phosphorus, BOD, and TSS, however we have been informed that those limits only apply to Significant Industrial Users. Please clarify.

4. Please explain the rationale behind 14.09.020 (D) which states: "Where an owner of property leases a premises to a person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user at the premises, either or both as an industrial user(s) are responsible for compliance with the provisions of this chapter." We note that pursuant to 14.09.020(A), the Regulations apply to "all industrial users that discharge into the POTW...". By definition, an industrial user is "a source of Indirect Discharge, a user that has the potential to discharge non-domestic wastewater to the POTW, or a user that has a sewer connection for domestic wastewater discharge only."
5. We believe that 14.09.020(G) is overly broad in the unfettered discretion given to the Director. Specifically, 14.09.020(G)(2) allows the Director to "require an industrial user to demonstrate that **in-plant facility modifications** will reduce or eliminate the discharge of such substances in conformity with this chapter"; (4) allows the Director to "require the industrial user...to pay **any** additional cost or expense incurred by the City for handling, treating, disposing or remediation costs as a result of wastes discharge to the wastewater treatment system"; (7) allows the Director to "take **such other action as may be necessary** to meet the objectives of this chapter."
6. 14.09.030(B)(17) provides a specific prohibition as follows: "No chemicals, materials, or substances, including but not limited to, paints, solvents, boiler or water treatment chemicals, sludges, chemicals or wastes shall be stored in proximity to a floor drain or other sewer openings unless secondary containment is provided." This seems overly broad and has no de minimis exception such that, theoretically, even insignificant quantities of "materials" will require secondary containment. No definition is provided for "in proximity", no definition is given for "materials" or "chemicals" and no definition for what will meet the requirement for "secondary containment" is provided. "Chemicals", where it appears after "sludges" is redundant and should be stricken.
7. 14.09.030(B)(22) provides a specific prohibition as follows: "(No discharge of) Wastewater causing, alone or in conjunction with other sources, the POTW effluent to fail a Whole Effluent Toxicity (WET) Test." We are currently monitoring our flow and pH, and our provider of sewer services is sampling against defined limits. As a practical matter, how can we determine if our discharge "in conjunction with another source" would cause the POTW to fail a toxicity test? We are unclear as to how any industrial user could set up our monitoring to be effective and meet that objective.
8. 14.09.050(B) as drafted imposes an unjustifiable economic burden on industrial users in that it requires "...the operation of back-up or auxiliary facilities or similar systems".
9. 14.09.050 (D) is unduly burdensome. It provides that "The Director may require an industrial user to have treatment facility operators that are certified as industrial waste operators by the Nevada Water Environment Association. The minimum grade of certification required shall be determined by the director." This provision may impose a significant and unjustifiable burden to certify our operators, especially since at our facility, we do not perform any actual treatment.
10. 14.09.050(G) provides that "When more than one industrial user is able to discharge into a common service line, the city may require installation of separate monitoring equipment for each industrial user." Practically and operationally speaking, this will be difficult in a comingled system such as the one where our facility operates, where the sewer flows in and out of one property to the next.

11. 14.09.050(H) imposes an unjustifiable economic burden on industrial users in that it allows the City to require the installation and maintenance, at the industrial user's expense of "approved meters and equipment." Further, "The type of meter and installation design shall be certified by a professional engineer licensed in the state of Nevada." Our facility currently has monitors, but they are not certified by a professional engineer. This is an additional regulatory cost to the plant.
12. 14.09.060 states that "A separate permit may be required for each industrial user, building or complex of buildings. Such significant industrial users shall immediately contact the city and obtain an industrial discharge permit." As an initial matter, it is unclear when such separate permits "may" be required; under what circumstances? Is a multi-building complex by definition a "significant industrial user"? How and when "shall" occupants of such buildings or complexes "immediately contact" the city? Practically speaking, we have number of buildings on our site that all tie into the sewer. Separate permits for each building on one commonly owned site such as ours would impose an unreasonable administrative, regulatory, and economic burden in that it may require permitting, monitoring, sampling, record keeping, and inspection activities for each building.
13. 14.09.060(F)(3)(e) states that a description of operations, for purposes of a new permit application, must include "a list of **all** raw materials and chemicals used or stored at the facility". We suggest that a quantity or de minimis exception be considered; listing "all" raw materials and chemicals, in any quantity, is unduly burdensome.
14. 14.09.160(A)(5): "Closure: the city may require closure of plumbing, treatment devices, storage components, containments, or other such physical structures that are currently not being used to discharge to the POTW. Closure may include the removal of equipment, the filling in and/or dementing, capping, plugging, etc. of such physical structures." The term "closure" is not adequately defined. Further, it is unclear you long a building would need to be out of service before this requirement could be imposed by the city. Please comment on the applicability of this provision to buildings temporarily idled or not being used. This requirement places an unreasonable economic burden on industrial users.

Thank you again for the opportunity to comment on the proposed Regulations. Should you have questions regarding these comments, or wish to discuss them, please contact me at (702) 564-0306.

Kind regards,



Alex Weir

Plant Manager