

**Environmental
Protection Agency**

Ted Strickland, Governor
Mike Fisher, Lt. Governor
Chris Korleski, Director

December 7, 2010

RE: EAST LIVERPOOL
INDUSTRIAL PRETREATMENT PROGRAM
PRETREATMENT PROGRAM AUDIT
NPDES PERMIT 3PD00009*JD
COLUMBIANA COUNTY

Mayor and Council
City of East Liverpool
126 W. 6th Street
East Liverpool, OH 43920

Dear Mayor and Council:

This office conducted a Pretreatment Audit Inspection (PAI) of the City of East Liverpool Industrial Pretreatment Program (IPP) on October 21 and November 10, 2010. The purpose of the inspection is to determine if the IPP is in compliance with state and federal pretreatment regulations and requirements. Donna Kniss, Ryan Laake and John Schmidt represented the Ohio EPA. Robert Wright, Wastewater Treatment Plant (WWTP) Superintendent, represented the City. One industry, Heritage-WTI, was visited during the inspection.

The City's IPP is not satisfactory and does not meet most of the federal and state requirements. The following major deficiencies were identified during the inspection:

1. The City's current NPDES permit contains compliance schedules requiring the submission of local limits and sewer use ordinance (SUO) modifications by July 1, 2009, and submission of a mercury local limit by July 1, 2010. The City has not submitted any of the required documents. The City is currently in Significant Non-compliance for violations of the NPDES permit.
2. There is some question about the current mercury local limit. The SUO indicates that it is 0.056 mg/l, but one handwritten note states that this is a typo, and the true limit should be 0.00056 mg/l. This office was unable to locate any documentation in the East Liverpool files that could confirm or deny this note. The current mercury local limit may not be adequate, which may be a factor in the next item. Failure to have appropriate local limits is a deficiency in the requirements found in 40 CFR 403.5(c)(1) and OAC 3745-3-04(D).
3. The permit requires the City to submit, with the next NPDES permit renewal application, a statement certifying that effluent mercury concentration will be below 12 ng/l, or to request a mercury variance and supply the information required to support that request. The NPDES permit expires July 31, 2013, so the renewal application is due by January 31, 2013. A review of the 21 low level test results shows four (4) below this threshold, and the current running average concentration is 26 ng/l. After reviewing the City's sampling procedures, this office believes that the low level mercury samples are being contaminated during the sampling. We recommend that the City collect samples using the proper clean sampling procedures for approximately one year to see if the results

are below the regulatory threshold. If the sample results remain high, the City can then begin to evaluate possible sources of mercury.

4. The NPDES permit requirement to modify the SUO is due to changes in the federal and state regulations. The City should review the entire SUO to ensure that it meets all legal requirements and is sufficiently enforceable. Some of the deficiencies noted during a brief review of the SUO include incorrect federal rule citations, an apparent confusion between when a surcharge would be required and when there is a discharge violation, and inclusion of a minimum time interval in the definition of a slug load. Failure to have an SUO with all required program elements is a deficiency in the requirements found in 40 CFR 403.8(f)(1) and OAC 3745-3-03(C)(1).
5. The City will begin accepting sewage from township areas in the near future. A multijurisdictional agreement authorizing the City to enforce its IPP in township areas must be in place before sewage is accepted. Failure to have adequate multijurisdictional requirements is a deficiency in the requirements found in 40 CFR 403.8(f)(1) and OAC 3745-3-03(C)(1).
6. The Enforcement Response Plan could not be located during the audit. Failure to have an up-to-date ERP is a deficiency in the requirement found in 40 CFR 403.8(f)(5) and OAC 3745-3-03(C)(5).
7. The City must evaluate its procedures for handling public records requests and confidentiality requests to ensure they conform to federal and state public records requirements. 40 CFR 403.8(f)(1)(vii) and OAC 3745-03-03(C)(1)(i) requires the legal authority of the IPP to comply with the provisions of 40 CFR 403.14. 40 CFR 403.14(c) states that information submitted to the State or publically owned treatment works (POTW) shall be available to the public at least to the extent provided by 40 CFR 2.302, and OAC 3745-3-07 discusses requests for confidentiality.
8. The City does not have a procedure to identify new industries or to evaluate changes in operations at existing industries. Failure to characterize and evaluate the discharges from all Industrial Users is a deficiency in the requirement found in 40 CFR 403.8(f)(2)(ii) and OAC 3745-3-03(C)(2)(b).
9. The Mason Color permit expired in 2004, and there was not any documentation in the file that the permit was renewed. Failure to have current, unexpired permits is a deficiency in the requirements found in 40 CFR 403.8(f)(1)(iii) and OAC 3745-3-03(C)(1)(c).
10. The cover page of the significant industrial user (SIU) permits references the individual council ordinances, not the City's SUO. The SUO is the legally enforceable document as authorized by council; citing each ordinance can create real and apparent discrepancies, reducing the City's enforcement capabilities. Failure to issue an enforceable permit is a deficiency in the requirement found in 40 CFR 403.8(f)(1)(iii)(B) and OAC 3745-3-03(C)(1)(c).

11. Each SIU permit in the file was different, but they all lacked required language. Additionally, the definition of composite sample in the permits contradicted the definition in the SUO. Failure to include all required language is a deficiency in the requirement found in 40 CFR 403.8(f)(1)(iii)(B) and OAC 3745-3-03(C)(1)(c).
12. The SIU permits had the same standard language about sample location, but did not specify the location for that particular SIU. Failure to specifically identify the sample location in the permit is a deficiency in the requirement found in 40 CFR 403.8(f)(1)(iii)(B)(4) and OAC 3745-3-03(C)(1)(c)(iv).
13. The Heritage-WTI permit contained a cadmium limit of 0.26 mg/l, not the current local limit of 0.35 mg/l. Improper application of local limits in a SIU permit is a deficiency in the requirements found in 40 CFR 403.8(f)(1)(iii)(B)(3) and OAC 3745-3-03(C)(1)(c)(iii).
14. The SIU permits did not contain requirements to sample for all local limit parameters, and the files did not contain any information documenting why certain parameters were omitted. The City must evaluate SIU discharges for all pollutants of concern, which would include pollutants for which local limits have been developed. Failure to sample and analyze the effluent for all pretreatment standards is a deficiency in the requirement found in 40 CFR 403.8(f)(2)(v) and OAC 3745-3-03(C)(2)(e).
15. The SIU files did not contain documentation for annual inspections of the SIUs, which is a deficiency in the requirement found in 40 CFR 403.8(f)(2)(v) and OAC 3745-3-03(C)(2)(e).
16. There was no documentation that the SIUs had been evaluated for the need for a slug discharge control plan, which is a deficiency in the requirement found in 40 CFR 403.8(f)(2)(vi) and OAC 3745-3-03(C)(2)(f).
17. The SIU files contained gaps in SIU self-reporting, which would violate the terms of their discharge permits. However, there was no evidence that the City communicated these violations to the SIUs. Failure to receive and analyze all required reports is a deficiency in the requirement found in 40 CFR 403.8(f)(2)(iv) and OAC 3745-3-03(C)(2)(d).
18. Sample results were accompanied by incomplete chain of custody forms or were missing the forms. Failure to conduct sample taking and analysis with sufficient care to produce evidence admissible in court proceedings is a deficiency in the requirement found in 40 CFR 403.8(f)(2)(vii) and OAC 3745-3-03(C)(2)(g).

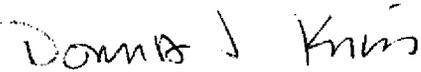
Because of the lack of documentation for SIU self-monitoring, City sampling and City inspections, this office could not determine if the City is enforcing the requirements of the IPP for taking actions against industries who violate federal, state and local rules. This severely limits the City's ability to protect its wastewater treatment plant against pass-through and interference, which are the primary objectives of an IPP.

Mayor and Council
East Liverpool WWTP
December 7, 2010
Page 4

It appears that the City of East Liverpool has not dedicated sufficient resources to conduct an IPP that meets the minimum requirements found in 40 CFR 403 and OAC 3745-3. This includes both personnel and the equipment necessary to conduct sampling and inspections. Training opportunities should be made available, and additional resources provided to ensure that the IPP meets at a minimum the federal and state regulatory requirements.

Please respond to this office within 30 days of the receipt of this letter, documenting the steps that will be taken to address the issues noted above. If you have any questions or comments, please contact me at (330) 963-1285. I can also be reached at donna.kniss@epa.state.oh.us.

Sincerely,



Donna J. Kniss
Environmental Engineer
Division of Surface Water

DJK/mt

cc: Robert Wright, East Liverpool WWTP
Ryan Laake, Ohio EPA, DSW, CO

ec: Joe Trocchio, Ohio EPA, DSW, NEDO

File: Municipal Pretreatment/PCI-Correspondence