



State of Ohio Environmental Protection Agency

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August 3, 2009

Mayor and Council
City of Newark
Municipal Building
40 West Main Street
Newark, OH 43055

Re: Industrial Pretreatment Audit Inspection, June 9 & 10, 2009

Ladies and Gentlemen:

On June 9 & 10, 2009, I conducted a Pretreatment Audit Inspection (PAI) of the City of Newark's Industrial Pretreatment Program (IPP). During the first day of the audit, I interviewed Nancy Taylor, Pretreatment Coordinator for the City of Newark, and in the afternoon I accompanied Ms. Taylor on an industrial user inspection of the Arboris facility. On the second day of the audit, I reviewed the pretreatment program files and conducted an exit interview with Ms. Taylor. The intent of the audit was to determine the compliance of the IPP with state and federal pretreatment regulations and the City of Newark's National Pollutant Discharge Elimination System (NPDES) permit. Attached you will find the PAI report.

The findings of the PAI are as follows:

1. Overall, the City of Newark's IPP has been successful in controlling industrial user discharges to the WWTP. There have not been any episodes of industrial users causing the district's WWTP to violate their NPDES permit.
2. The City of Newark has submitted required pretreatment reports, including Quarterly Industrial User Violation Reports and the Annual Pretreatment Report according to the schedule in their NPDES permit for the PAI time period. The program files were well organized.
3. Inspections and sampling of all required parameters were performed for all categorical and significant industrial users.
4. No reportable non-compliance (RNC) was identified during the PAI. Industrial user self-monitoring and the City of Newark independent user sampling has been conducted according to program requirements for the PAI time period.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

There are no required actions that are needed by the City of Newark at this time. However, there are several recommended actions by this Agency. These actions include:

1. It is recommended to be very specific when listing the sampling location in the industrial user permit. It is recommended to even physically label the sampling manhole.
2. It is recommended to log phone conversations with industrial users in the industrial user files.
3. It is recommended to include the sampling frequency, pollutant to be monitored and the sample type on the same page in the industrial user permit.
4. It is recommended to include a definition for "significant noncompliance" in your sewer use ordinance.

No program deficiencies were identified during the PAI. Please continue to:

1. Ensure that the minimum industrial user inspection frequencies are met and documented in program files. It is recommended that cover letters summarizing inspection findings and required actions are sent along with the inspection report to the industrial users.
2. The City of Newark shall continue ongoing efforts to identify and categorize all industrial users, including non-significant industrial users. Industrial user information, including non-significant industrial users, shall be kept updated on Form AR-3 Industrial User Inventory and reported annually to the Ohio EPA in the City of Newark Industrial Pretreatment Program Annual Report.
3. The City of Newark must periodically monitor (sample and/or inspect) non-significant industrial users at a frequency to ensure compliance with pretreatment standards and requirements. Updated information must be kept in the industrial user files.

During the exit interview of the audit, you requested information regarding the following issues:

1. You requested requirements for a Toxic Organic Management Plan (TOMP). I have attached a fact sheet regarding TOMP.
2. You requested assistance in industrial user permit conditions for industries that treat industrial waste and for recycling industries. I will obtain copies of industrial user permits for these industries and send them to you in a separate letter.

3. You requested information regarding technical review criteria and significant non-compliance. This criteria is attached.
4. You requested information regarding responsible charge signatures. Federal Pretreatment Regulation 40 CFR 403.12(m) requires that Pretreatment Annual Reports submitted to Approval Authorities are signed by a:
 - 1) principal executive officer,
 - 2) ranking elected official, or
 - 3) other duly authorized employee.

The "other duly authorized employee" must have written delegation from the principal executive authority or ranking elected official to sign the PAR.

5. You requested if samples needed to be iced for samples taken within three hours of lab analysis. If the time from taking the lab sample and performing the lab analysis is greater than 45 minutes, it is recommended to follow standard protocol and ice the lab samples.

Please acknowledge the receipt of this letter no later than August 28, 2009.

Ohio EPA recognizes the continuing commitment demonstrated by the City of Newark, Pretreatment and WWTP staff to implement state and federal pretreatment requirements. The required changes to the industrial user permits, if any, can be made when the industrial user permit needs to be renewed. If you have any questions regarding the inspection findings feel free to contact me by e-mail at greg.sanders@epa.state.oh.us or phone at (614) 728-3851.

Sincerely,



Greg Sanders
Environmental Specialist
Division of Surface Water
Central District Office

Enclosure: City of Newark PAI Forms

c: Jeff Bohne, DSW/CDO
Ryan Laake, DSW/CO
Darin Wise, City of Newark WWTP
Nancy Taylor, City of Newark WWTP

