



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 15, 2011

RE: CITY OF WARREN
INDUSTRIAL PRETREATMENT PROGRAM
NPDES PERMIT 3PE00008*MD
TRUMBULL COUNTY

NOTICE OF VIOLATION

Mayor and Council
City of Warren
391 Mahoning Avenue NW
Warren, OH 44483

Dear Mayor and Council:

The December 1, 2010 NPDES permit modification contained compliance schedule requirements to submit a local limits technical justification document and a revised Sewer Use Ordinance (SUO) by February 1, 2011. These submittals were part of the previous NPDES permit and were required by January 1, 2009. Technically, the Ohio EPA was required to delay issuance of the NPDES permit modification until all requirements of the previous permit had been satisfied. The Ohio EPA agreed to defer both items to the modified permit in order to include the new pollutants of concern in the local limits and to evaluate if additional SUO changes were needed. This was based in part on the City promising in a letter dated March 6, 2010 to submit these documents in the first quarter of 2011.

During our visit to the wastewater treatment plant on May 2, 2011, we noted that the second quarter of 2011 was drawing to a close and that we had not received either required submittal, placing Warren in violation of the terms of its NPDES permit. We reiterated to Thomas Angelo and Keith Folman the need to submit the updated local limits and the modified Sewer Use Ordinance as soon as possible. This office sent an inspection letter to Mr. Angelo dated May 9, 2011, requesting a schedule for the submission of these required items within 10 days of the receipt of the letter.

To date, the updated local limits with the new parameters of concern, the revised Sewer Use Ordinance, or the schedule for submission of these documents has not been received by the Ohio EPA. The City of Warren is in significant non-compliance with the terms of its NPDES permit. Also, the Ohio EPA cannot approve new permits-to-install for wastewaters containing the new pollutants of concern, such as the Thomas Steel Strip Corporation PTI application, without first being able to determine if the approval will result in a violation of Water Quality Standards; the new local limits are critical for that evaluation.

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The NPDES permit also contained a requirement for Warren to submit a report by February 15 summarizing the quantity and quality of oil and gas well wastewater treated during the previous calendar year. In our May 2 inspection Mr. Angelo stated that Patriot did not discharge significant amounts of wastewater in December 2010; his recollection was that there were only a few days at the end of the month. He agreed to provide a summary of the December discharges, and also to provide additional information compiled by Patriot and Warren. To date, this information has not been provided, in violation of this NPDES permit requirement.

Please submit the updated local limits, revised Sewer Use Ordinance, and gas well wastewater discharge report by July 1, 2011. Failure to comply with the terms and conditions of the City's NPDES permit is a violation of ORC 6111 and may be subject to escalated enforcement. 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
District Engineer
Division of Surface Water

DJK/mt

cc: Thomas Angelo, Director, Warren WPCC
Keith Folman, Warren WPCC
Ryan Laake, Ohio EPA, CO, DSW

ec: Tomás Parry, Ohio EPA, NEDO, DSW
Fred Snell, Ohio EPA, SEDO, DSW
Rich Blasick, Ohio EPA, NEDO, DSW
Brian Hall, Ohio EPA, CO, DSW

File: Municipal Pretreatment/PCI-Correspondence