



State of Ohio Environmental Protection Agency

Northeast District Office

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

December 4, 2009

RE: ASHTABULA COUNTY
PRAXAIR, INC.
OHIO EPA PERMIT NO. 3IN00152
NPDES PERMIT NO. OH0101117

Mr. Fred Ranck, Senior Facility Manager
Praxair, Inc.
3102 Lake Road East
Ashtabula, Ohio 44004

Dear Mr. Ranck:

On September 9, 2009, an inspection was conducted at the above referenced facility by the undersigned. Also representing Praxair was Messrs. Dale Theilan, Bill Schuler, et al. A follow-up visit was conducted on October 29, 2009. The purpose of the inspections was to evaluate the site and obtain supplemental information necessary for renewal of the NPDES permit. As such, the inspection consisted of a pre-meeting, site tour, and closing conference.

At the time of the inspection, the general operation and maintenance of the facility appeared to be satisfactory. A visual observation of the discharges from Outfalls 001 and 002 revealed no signs of floating debris, oil & grease, or foaming agents in the respective effluents. Additional observations noted included the following:

1. The facility does not anticipate an increase in production or water discharge during the next 5 years.
2. It was noted that the facility has been experiencing operational difficulties, i.e. erratic readings, with the flow meters at the respective outfalls. Consequently, the reported DMR flow rates are being estimated based on historical plant data. We understand that the facility is presently working with the instrument vendor to resolve this issue.
3. The Storm Water Pollution Prevention Plan (SWPPP) was updated on October 27, 2009. The annual site certification inspection was completed on February 2, 2009.
4. Subsequent to the site visits, supplemental Form 2F was received from Ms. Cyndi Hughes on November 9, 2009.

A review of the Discharge Monitoring Reports (DMRs) received by Ohio EPA for the period, January – September 2009, indicates that the facility has been in substantial compliance with the discharge limitations contained in the NPDES permit. Please note,

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however, that a report was **not** received for the month of October 2009. Electronic reports are to be filed by no later than the 20th day of the following month. Please submit this missing report as expeditiously as practicable.

In addition to the above, our review of the facility's data reporting procedures noted the following:

- The facility's DMRs are currently being submitted and certified by Mr. Schuler. While e-DMR allows permitted facilities to electronically enter and submit DMRs, federal and state regulations specify who can legally sign and certify the reports. Pursuant to Part III of the NPDES permit, DMRs can **only** be signed and certified by a facility's responsible official, i.e. corporate officer, or by a duly authorized representative of said official. Pursuant to Title 40 Code of Federal Regulations (40 CFR) 122.22 (b):

A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

(3) The written authorization is submitted to the Director.

The PIN, or Personal Identification Number, uniquely identifies and serves as the electronic signature of the responsible or duly-authorized official. PIN assignments must be consistent with USEPA's Cross Media Electronic Reporting Regulation (CROMERR). Please confirm that Mr. Schuler meets the above requirements.

Under the e-DMR program, the PIN holder can delegate staff with the privilege to view, create and edit DMRS...but not certify eDMR data. These individuals must have an eBusiness Center account, but do not need a PIN. Since they do not have the privilege of actually certifying the data, the law does not require them to have a PIN. Once these users perform the data entry or review the data, the DMR is saved and the PIN holder can log on and submit the DMR.

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Based on the facility's overall compliance status, this office anticipates public-noticing the renewal permit within the next 30 days. Comments received during the public-notice period will be considered by Ohio EPA prior to issuance of a final permit.

Should you have any questions or comments regarding this letter, please contact this office.

Respectfully,



Ermelindo Gomes
Environmental Engineer
Division of Surface Water

EG/mt

cc: Cyndi Hughes, Corporate Environmental Compliance Specialist , Praxair, Inc.

File: Industrial/P&C/Praxair