



State of Ohio Environmental Protection Agency

Northeast District Office

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

December 17, 2007

RE: TRUMBULL COUNTY
ORION NILES POWER PLANT
NPDES PERMIT NO. OH0011533
OHIO EPA PERMIT NO. 3IB00007

Mr. Daniel Rogatto, General Manager
Orion Power Midwest, L.P. – Niles Power Plant
1047 Belmont Avenue
Niles, OH 44446

Dear Mr. Rogatto:

On November 27, 2007, an inspection was conducted at the above referenced facility by the undersigned. A tour of the facility was provided by Mr. Tom Senedak. The purpose of the inspection was to (1) evaluate the facility's compliance status with respect to the terms and conditions of the above-referenced National Pollutant Discharge Elimination System (NPDES) permit and (2) determine required additional actions to be undertaken as part of the permit renewal. During the course of the inspection, evaluations were conducted of the facility's treatment processes and equipment and effluent discharge quality at the respective outfalls.

Inspection Findings/Compliance Status

At the time of the inspection, the following observations, findings and/or comments were noted and discussed with Mr. Senedak:

1. Visual observation of the river outfalls did not indicate any evidence of floating oil or excessive suspended solids being discharged to the Mahoning River.
2. Ohio Administrative Code (OAC) requires that bioaccumulative chemicals of concern (BCCs) such as mercury meet water quality standards at the point of discharge beginning in November 2010. Hence, the use of mixing zones to determine waste load allocations for BCCs will no longer be allowed. This means that discharges of BCCs must meet water quality standards with no allowances for dilution. Ohio EPA recognizes that the facility may have difficulty meeting the 12 ng/l 30-day average mercury limit in 2010. Since cost effective measures for reducing mercury discharge concentrations may not be available, a compliance schedule will be included in the renewal permit which will require the facility to submit one of the following:
 - A letter stating that complying with mercury limits is possible; or
 - A mercury group variance application pursuant to OAC 3745-33-07; or
 - An individual mercury variance application pursuant to OAC 3745-33-07.
3. It was noted that outfalls 004 and 005 have been permanently sealed and, hence, will be not be included in the renewal permit.
4. The renewal permit will include a new "external" Outfall 009. This outfall will include the combined flow from the slag tank overflow (Internal Station 605) and intake screen backwash. The applicable numeric effluent limits will continue to be applied at Station 605.

Mr. Daniel Rogatto
Orion Niles Power Plant
December 17, 2007
Page 2

5. Pursuant to the recent changes to OAC 3745-33-08, the facility must ensure that all outfalls are posted with permanent signs depicting the facility name, permit number, and outfall number.
6. A follow-up telephone call with Mr. Senedak indicated that the annual storm water inspection was performed on December 12, 2007. No "action items" were identified.

A review of the facility's monthly operating reports received by Ohio EPA for the period January 2006 through November 2007 indicates violations of the terms and conditions contained in the NPDES permit. The specific instances of noncompliance are as follows:

Reporting Period	Station	Parameter	Limit Type	Limit	Reported Value	Violation Date
May 2006	002	pH, Maximum	1D Conc	9.0	10.3 (*)	5/21/2006
May 2006	002	pH, Maximum	30D Conc	9.0	10.3 (**)	5/1/2006
February 2007	002	Copper, Total	1D Qty	0.99	1.03648	2/8/2007
March 2007	002	Copper, Total	1D Qty	0.99	1.05465	3/1/2007
August 2006	008	CBOD 5 day	30D Qty	0.095	.12604	8/1/2006
May 2007	002	Mercury, Total	30D Conc	12	18.15	5/1/2007
May 2007	002	Mercury, Total	30D Qty	0.0002	.00029	5/1/2007
June 2007	002	Mercury, Total	30D Conc	12	16.4933	6/1/2007
June 2007	002	Mercury, Total	30D Qty	0.0002	.00028	6/1/2007

(*) – Exceeded duration of 60 minutes.

(**) – Exceeded monthly duration of 7 hours 26 minutes.

Please be advised that failure to comply with the terms and conditions of the NPDES permit may be cause for enforcement actions pursuant to Chapter 6111 of the Ohio Revised Code. It is requested that you inform this office, in writing, within 10 days of receipt of this notification as to the actions that have been or will be taken to address the above violations.

Summary/Conclusion:

Based on the inspection findings and the facility's overall compliance record, this office anticipates drafting and public-noticing the renewal permit. Comments received during the public-notice period will be considered by Ohio EPA prior to issuance of a final permit. Issuance of the final permit will also be contingent upon submission of a satisfactory course of action regarding the noncompliance items referenced above.

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