



State of Ohio Environmental Protection Agency

Northeast District Office

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

November 9, 2009

**RE: TRUMBULL COUNTY
RMI TITANIUM CO. - NILES PLANT
OHIO EPA PERMIT NO. 3IC00026
NPDES PERMIT NO. OH0010863
CEI**

RTI International Metals, Inc.
RMI Titanium Company Niles Plant
1000 Warren Avenue
Niles, Ohio 44446

Attn: Richard Mason, Director - Environmental Affairs

Dear Mr. Mason:

On October 7, 2009, a limited-scope Compliance Evaluation Inspection (CEI) was conducted at the above referenced manufacturing facility by the undersigned. RMI was represented by Messrs. Dave Micsky and Eric Marsh. The purpose of the inspection was to evaluate the facility's compliance with the terms and conditions of the referenced NPDES permit.

At the time of the inspection, the following observations, findings, and comments were noted:

1. The effluent from the L.C.R. sanitary wastewater treatment system appeared to have a greyish cast, indicative of incomplete treatment. We understand that the facility plans to eliminate this system in the near future and connect it to the main sewage treatment plant. A Permit-to-Install (PTI) application and engineering plans of the proposed system modifications will need to be submitted to Ohio EPA for review and approval.
2. The quality of the effluent from the treatment pond appeared to be of visually-acceptable quality. There was no evidence of foam, oil, or floating debris being discharged to the Mahoning River from Outfall 001.
3. We understand that Mr. Dwane Stull is continuing to provide technical supervision of the sewage systems for the facility. However, our records indicate that the Operator of Record (ORC) Notification Form has not been received by Ohio EPA's Operator Certification Unit. Please have the completed form submitted as expeditiously as practicable. Additionally, please ensure that the new recordkeeping requirements contained in OAC 3745-07-09 are being fully implemented.

A review of the facility's Discharge Monitoring Reports (DMRs) received by Ohio EPA for the period March 2008 – September 2009, indicate violations of the terms and conditions of the NPDES permit. The specific instances of noncompliance are as follows:

| 3IC00026: Numeric Effluent Violations | | | | 3/2008 - 9/2009 | | |
|---------------------------------------|---------|------------------------|------------|-----------------|----------------|----------------|
| Reporting Period | Station | Parameter | Limit Type | Limit | Reported Value | Violation Date |
| March 2008 | 001 | Zinc, Total Recoverabl | 30D Conc | 95 | 147. | 3/1/2008 |
| March 2008 | 001 | Zinc, Total Recoverabl | 30D Qty | 0.180 | .4785 | 3/1/2008 |
| March 2008 | 001 | Zinc, Total Recoverabl | 1D Qty | 0.431 | .4785 | 3/5/2008 |
| May 2008 | 001 | Total Suspended Solids | 30D Conc | 15.5 | 37. | 5/1/2008 |
| May 2008 | 001 | Total Suspended Solids | 30D Qty | 29.3 | 36.4892 | 5/1/2008 |
| May 2008 | 001 | Total Suspended Solids | 1D Conc | 32.7 | 67. | 5/28/2008 |
| May 2008 | 001 | Total Suspended Solids | 1D Qty | 61.9 | 65.4275 | 5/28/2008 |
| June 2008 | 001 | CBOD 5 day | 1D Conc | 15.5 | 16. | 6/25/2008 |
| October 2008 | 001 | Fecal Coliform | 30D Conc | 1000 | 1000. | 10/1/2008 |
| December 2008 | 001 | Total Suspended Solids | 1D Conc | 20.0 | 27. | 12/22/2008 |
| January 2009 | 001 | Fecal Coliform | 30D Conc | 1000 | 1100. | 1/1/2009 |
| January 2009 | 001 | Zinc, Total Recoverabl | 30D Conc | 95 | 99. | 1/1/2009 |
| January 2009 | 001 | Zinc, Total Recoverabl | 30D Qty | 0.180 | .26792 | 1/1/2009 |
| April 2009 | 001 | Oil and Grease, Total | 1D Qty | 18.9 | 33.0430 | 4/15/2009 |
| July 2009 | 001 | Oil and Grease, Total | 1D Qty | 18.9 | 26.7069 | 7/31/2009 |
| August 2009 | 001 | pH, Minimum | 1D Conc | 6.5 | 6.2 | 8/1/2009 |
| September 2009 | 001 | pH, Minimum | 1D Conc | 6.5 | 6.3 | 9/26/2009 |
| September 2009 | 001 | pH, Minimum | 1D Conc | 6.5 | 6.3 | 9/27/2009 |
| November 2008 | 601 | Total Suspended Solids | 30D Conc | 30 | 137. | 11/1/2008 |
| November 2008 | 601 | Total Suspended Solids | 1D Conc | 45 | 137. | 11/12/2008 |
| April 2009 | 601 | Total Suspended Solids | 1D Conc | 45 | 114. | 4/1/2009 |
| April 2009 | 601 | Total Suspended Solids | 30D Conc | 30 | 61. | 4/1/2009 |
| June 2009 | 601 | Total Suspended Solids | 30D Conc | 30 | 33. | 6/1/2009 |
| January 2009 | 602 | Total Suspended Solids | 30D Conc | 30 | 32. | 1/1/2009 |
| January 2009 | 602 | Total Suspended Solids | 1D Conc | 45 | 58. | 1/7/2009 |

Please be advised that failure to comply with the terms and conditions of your NPDES permit may be subject to enforcement actions pursuant to Chapter 6111 of the Ohio Revised Code. Such actions can result in fines of up to \$10,000 per day of violation. Please inform this office, in writing, within 10 days of receipt of this notification as to the actions taken or proposed to address the above violation and/or deficiencies. Your response **shall** include specific dates for completion of the actions. Please be advised that past or present issues of noncompliance can continue as subjects of future enforcement actions by Ohio EPA.

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

- Mr. Marsh is currently submitting and certifying the discharge monitoring reports (DMRs) for the facility using the electronic DMR (e-DMR) internet application. While e-DMR allows permitted facilities to enter, electronically sign, 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).

Under the e-DMR program, the PIN holder can delegate staff with the privilege to view, create and edit DMRS...but not submit 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.

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

Respectfully,

A handwritten signature in black ink, appearing to read "Ermelindo Gomes".

Ermelindo Gomes
Environmental Engineer
Division of Surface Water

EG:bo

File: Industrial/PC/RMI Niles