

**Environmental
Protection Agency**

**Governor
Lt. Governor
Director**

October 26, 2011

RE: CITY OF LORAIN
INDUSTRIAL PRETREATMENT PROGRAM
PRETREATMENT PROGRAM AUDIT
NPDES PERMIT NO. 3PE00005*JD
NPDES PERMIT NO. 3PD00040*FD
LORAIN COUNTY

Mayor and Council
City of Lorain
200 West Erie Avenue
Lorain, Ohio 44052

Ladies and Gentlemen:

This office conducted a Pretreatment Audit Inspection (PAI) of the City of Lorain Industrial Pretreatment Program (IPP) on October 6 and 12, 2011. The purpose of the inspection is to determine if the IPP is in compliance with state and federal pretreatment regulations and requirements. Donna Kniss and Ryan Laake represented the Ohio EPA. Mary Ivan-Garza, Environmental and Safety Manager, and Phil Morton, Chief Chemist, represented the City. One industry, National Bronze and Metals, Inc., was visited during the inspection.

The overall evaluation of the pretreatment program is that it has significant deficiencies apparently due to past years of neglect. While the program is being corrected by current pretreatment personnel, there are still a significant number of areas where the IPP does not meet federal and state standards. The following deficiencies were identified during the inspection:

1. The City must review the agreements providing sanitary sewer service to Sheffield Lake and Amherst Township to ensure that the provisions of the IPP also apply to dischargers in those areas. For example, the tributary communities should provide information on new businesses moving into their area. The City must also evaluate industry discharge locations to determine if the discharge flows into a City or tributary community sewer. For example, it was not clear who owned the sewer that receives the National Bronze discharge. Failure to have adequate multijurisdictional requirements is a deficiency in the requirements found in 40 Code of Federal Regulations (CFR) 403.8(f)(1) and Ohio Administrative Code (OAC) 3745-3-03(C)(1).
2. It appears that the City has not conducted a survey of all non-domestic dischargers since the IPP's inception. It also appears that there are no

- procedures for evaluating new industrial discharges. The City must develop procedures to determine if a new industrial discharge must be controlled by a permit, and to periodically evaluate existing industries to see if a discharge permit is necessary. These procedures must extend to all tributary communities. Failure to characterize and evaluate the discharges from all Industrial Users is a deficiency in the requirement found in 40 CFR 403.8(f)(2)(ii) and OAC 3745-3-03(C)(2)(b).
3. The Enforcement Response Plan (ERP) was last updated in 1992, and is not consistent with the Sewer Use Ordinance (SUO) or current City personnel titles. These discrepancies can impact the City's ability to enforce its SUO, which is a deficiency in the requirement found in 40 CFR 403.8(f)(1) and OAC 3745-3-03(C)(1). The ERP must be reviewed to ensure it is consistent with the SUO and with current City protocols and titles. Failure to have an acceptable ERP is a deficiency in the requirement found in 40 CFR 403.8(f)(5) and OAC 3745-3-03(C)(5).
 4. The City must verify that the current records policy includes a procedure to evaluate industry requests to maintain information as confidential and not subject to public review. 40 CFR 403.8(f)(1)(vii) and OAC 3745-03-03(C)(1)(i) requires the legal authority of the IPP to comply with the provisions of 40 CFR 403.14. 40 CFR 403.14(c) states that information submitted to the State or POTW shall be available to the public at least to the extent provided by 40 CFR 2.302, and OAC 3745-3-07 discusses requests for confidentiality.
 5. The file review showed that industries were not placed in the appropriate national categorical standard. For example, Camaco was regulated as a 40 CFR 413.5, Electroplating/Coatings industry, when the State PTI report stated that Camaco was subject to 40 CFR 433.17, Metal Finishing Pretreatment Standards for New Sources. It must be noted that Ms. Ivan-Garza had identified this deficiency and corrected it in the draft permit being prepared. Another permit contained limits that were applicable only to direct dischargers. Based on the files reviewed, every Significant Industrial User (SIU) must undergo an in-depth evaluation to determine if they are being regulated under the appropriate national categorical standard. Failure to appropriately apply categorical standards is a deficiency in the requirements found in 40 CFR 403.8(f)(1)(ii) and (iii) and OAC 3745-3-03(C)(1)(c)(iii).
 6. The SIU permits contained a provision for sampling of "city water", but "city water" is not defined in the permits, and a sampling location is not identified. It did not appear that the SIUs were monitoring anything other than their sewer

discharges. The purpose of this permit section is not identified, and its provisions were not enforced. These issues diminish the enforceability of the permit, which is a deficiency in the requirement found in 40 CFR 403.8(f)(1)(iii)(B) and OAC 3745-3-03(C)(1)(c).

7. In the files reviewed, the sampling location discharge was described as a combination of process water and sanitary wastewater. Sanitary wastewater is considered a dilution wastewater for categorical operations, and the discharge limits must be reduced to account for this dilution. However, all of the reviewed permits contained the categorical standards, showing that the dilution water was not considered. Failure to appropriately apply categorical standards is a deficiency in the requirement found in 40 CFR 403.8(f)(1)(ii) and (iii) and OAC 3745-3-03(C)(1)(c)(iii).
8. Some of the SIU permits had one or more incorrect value for the City of Lorain local limits. Failure to appropriately apply local limits is a deficiency in the requirement found in 40 CFR 403.8(f)(1)(ii) and (iii) and OAC 3745-3-03(C)(1)(c)(iii).
9. The SIU permit monitoring and reporting requirements were unclear, and in some cases identified the wrong type of sample collection. Failure to provide specific sampling and reporting requirements is a deficiency in the requirement found in 40 CFR 403.8(f)(1)(iii)(B)(4) and OAC 3745-3-03(C)(1)(c)(iv).
10. The SIU permit contained language concerning upsets, but did not contain language addressing bypasses or slug discharges. Failure to include all required language is a deficiency in the requirement found in 40 CFR 403.8(f)(1)(iii)(B) and OAC 3745-3-03(C)(1)(c).
11. The SIU permits required flow proportional sampling, but time proportional samples were collected. 40 CFR 403.12(g)(3) and OAC 3745-3-06(H)(7) require that flow proportional sampling be conducted unless time-proportional or grab samples are representative of the discharge, and the decision to allow the alternative sampling is documented in the SIU file. If the City determines that a sampling method other than flow proportional sampling is acceptable, then that sampling protocol must be documented in the SIU permit. The discrepancy between the permit requirement and actual procedure reduces the validity of the data and the enforceability of the permit, which are deficiencies in the requirements found in 40 CFR 403.12(g)(3) and OAC 3745-3-06(H)(4), and in 40 CFR 403.8(f)(1)(iii)(B) and OAC 3745-3-03(C)(1)(c).

12. The Camaco permit did not contain language concerning the semi-annual sampling for total toxic organics (TTOs), or the alternative of submission of a toxic organics management plan (TOMP). This requirement is found in both 40 CFR 413.5, which was applied incorrectly to Camaco, and 40 CFR 433, the correct category. Again, Ms. Ivan-Garza had identified this deficiency and corrected it in the draft permit being prepared. Failure to appropriately apply categorical standards is a deficiency in the requirements found in 40 CFR 403.8(f)(1)(ii) and (iii) and OAC 3745-3-03(C)(1)(c)(iii).
13. The file review showed that there are gaps in the records, generally from 2007 to 2010. Additionally, some of the more recent inspection records could not be located. The lack of records is a deficiency in multiple areas of the pretreatment program, and limits the ability of the City to enforce program requirements designed to protect the publically owned treatment works (POTW), including the wastewater treatment plant (WWTP).
14. The files did not contain TOMP's, and while some semi-annual certification statements were located, many were missing. Failure to have current TOMP's and all required certification statements is a failure in SIU monitoring, which is a deficiency in the requirements found in 40 CFR 403.8(f)(2)(iv) and OAC 3745-3-03(C)(2)(d).
15. The SIU discharges have been evaluated for compliance with Lorain local limits. However, they have not been evaluated for compliance with categorical limits, especially production based categorical limits. Production based categorical standards are not set as concentrations, like mg/l, but as pounds pollutant per 1000 pounds of material. In order to evaluate compliance, SIUs must include production and flow data in the monitoring reports. The IPP must calculate the pounds/1000 pounds number using provided sampling results and provided flow and production data. An alternative is to calculate equivalent concentration based limits, placing those limits in the permit, and comparing the sample results to those numbers. Failure to conduct all required surveillance activities is a deficiency in the requirements found in 40 CFR 403.8(f)(2)(v) and (vii), and OAC 3745-3-03(C)(2)(e).
16. The National Bronze permit contains limits based on the national categorical pretreatment standards for metal finishing. During the inspection at National Bronze, it was determined that there is no discharge from the categorically regulated operations. Consequently, the permit should not contain categorical limits. The discharge from the categorical operation was recently discontinued, but the SIU permit must be modified to reflect this fact. Failure to appropriately

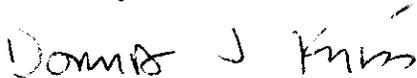
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apply categorical standards is a deficiency in the requirements found in 40 CFR 403.8(f)(1)(ii) and (iii) and OAC 3745-3-03(C)(1)(c)(iii).

The file review indicates that the Lorain IPP was not fulfilling federal and state requirements for a number of years. Ms. Ivan-Garza is in the process of identifying and correcting past deficiencies. However, as the deficiencies noted above show, there are a significant number of major problems. The city must allocate the resources necessary so that the IPP comes into compliance with the federal and state pretreatment program requirements in a prompt manner.

Please respond to this office within 30 days of the receipt of this letter, documenting the steps that will be taken to address the issues noted above. 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/cs

cc: Corey Timko, Utilities Director
Mary Ivan-Garza, Environmental and Safety Manager
Ryan Laake, Ohio EPA, DSW, CO

ec: Chuck Allen, Ohio EPA, DSW, NEDO

File: Municipal Pretreatment/PCI-Correspondence