

Jackson WWTP



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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

July 29, 2008

Re: Pretreatment
City of Jackson
Pretreatment Compliance Inspection

Mayor and Council
City of Jackson
Memorial Building
145 Broadway Street
Jackson, Ohio 45640

Dear Mayor and Council:

On June 19, 2008, I conducted a Pretreatment Compliance Inspection of the City of Jackson's pretreatment program. Greg Wilson, Director of Water and Wastewater, and Joan Waugh, Pretreatment Coordinator, represented the City. The inspection was conducted to evaluate the City's compliance with state and federal pretreatment regulations. Ohio EPA also visited Bellisio Foods during the inspection.

Required and recommended actions generated as a result of the inspection are listed below. Required actions must be completed for the City to attain compliance with state and federal pretreatment rules, Jackson's NPDES permit, and the Consent Order between Ohio EPA and the City of Jackson:

Required Actions:

1. Please respond to this letter, in writing, within 30 days. A review of Ohio EPA files showed that the City of Jackson did not respond to Ohio EPA's two prior letters, one dated May 19, 2005, and the second dated August 18, 2006, that were sent in follow up to Ohio EPA inspections of the City's pretreatment program. Part III, Paragraph 9, of Jackson's NPDES permit requires the City to furnish to the Director, within a reasonable time, any information the Director may request to determine compliance with terms of the permit or to obtain a basis of decision for permit actions. Jackson is advised that failure to respond to Ohio EPA letters that request specific information is a violation of the NPDES permit and the Consent Order.
2. The City of Jackson and State of Ohio entered into a Consent Order on September 19, 2007. Section VI, Paragraphs 7 through 14 of the Consent Order required the City of Jackson to take specific actions to comply with pretreatment regulations. Jackson completed enforcement action against Bellisio Foods (referred to under the name Luigino's in the Order) pursuant to Paragraph 7 of

the Consent Order. Bellisio's has been in compliance with pretreatment requirements since January, 2006. Please provide a copy of the settlement check described in Paragraph 2 of the Settlement Agreement between the City and Luigino's.

3. Jackson completed an initial enforcement action against Ohio Precious Metals (OPM) pursuant to Paragraph 7 of the Consent Order on March 13, 2008. Ohio EPA notified the City by letter dated April 8, 2008 that the Settlement Agreement and Release did not meet the terms of the Consent Order. Ohio EPA's letter of April 8, 2008 requested a response from the City of Jackson by May 8, 2008. The letter stated "Within thirty days from the date of this letter, notify Ohio EPA in writing of your intentions to correct these deficiencies." Ohio EPA granted an extension request to the City to delay its response until June 30, 2008, in an email from Bill Fischbein of Ohio EPA's Legal Section to Jack Detty, City Law Director to account for the transition in Mr. Detty's handling of the case.

On June 27, 2008, Mr. Detty updated Mr. Fischbein that negotiations are still progressing but Ohio EPA has not received any further updates since that time. Considering the time frames spelled out in the Consent Decree, our expectation is that this matter should have been resolved by now. By this letter, I am requesting a written response by legal counsel be sent to Bill Fischbein of Ohio EPA Legal within 5 business days of receipt of this letter as an update on progress. Our expectation is that this matter will be resolved satisfactorily within the next 30 days. Otherwise, I will recommend that Ohio EPA seek escalated enforcement on this matter.

4. It appears the sewer serving Bellisio's industrial process water discharge is at or near its capacity. During the inspection, I observed evidence in the sewer, which flows beneath York Street before crossing Little Salt Creek, that wastewater had come within a foot of surcharging into the street from manholes in York Street. Bellisio's representatives reported that flow backs up into the company's monitoring station during heavy precipitation events. Bellisio's flow is expected to increase within the next year after installation of a second anaerobic reactor. The Consent Order requires the City to eliminate sanitary sewer overflows. Paragraph 40 includes stipulated penalties for the occurrence of sanitary sewer overflows. The City should investigate the cause of the sewer backups, and devise plans to repair the existing sewer or, if needed, to add capacity to the sewer system. Please provide the results of your investigation and plans for preventing overflows from the sewer serving Bellisio's within 60 days of the date of this letter.
5. Part I.C. of Jackson's NPDES permit requires the City to identify and eliminate sources of bis (2-ethylhexyl) phalate in excess of final table limits. The City was required to submit a progress report on or prior to August 1, 2007. Please submit the report on progress within 30 days, if you have not already done so.

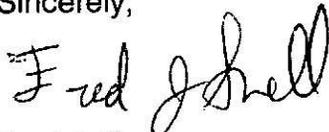
6. Results of samples split between OPM and the City of Jackson show unacceptable errors have occurred in sample handling or analysis at times. For example, the result comparison for OPM's discharge included with Jackson's May monthly report showed Ginosko obtained a silver result of 0.062 mg/l, while Belmont Laboratory's result was 1.4 mg/l (see attached). Jackson is required in 40 CFR 403.8(f) and OAC 3745-3-03(C)2(e) to verify the compliance of industrial users, including the accuracy of self monitoring results. Jackson should carefully evaluate both laboratories. One recommended technique to evaluate the respective labs' quality of results is to use blind testing with spiked samples. If one or both of the labs are found to be reporting results outside the expected error range, use of an alternate lab(s) should be considered. According to Standard Methods of Water and Wastewater Analysis, acceptable error for metals is 10% or less. Split metals results should be within 20% if all steps were performed properly. If sample results are found to be invalid, those results should be not be used for compliance evaluation. Please inform Ohio EPA of actions the City will take to correct the problem discussed in this paragraph.

Recommended Actions:

Jackson completed an initial enforcement action against Ohio Precious Metals (OPM) pursuant to Paragraph 7 of the Consent Order on March 13, 2008. OPM has since exceeded local pretreatment standards for copper, silver and cyanide. Based upon a review of all available sampling information collected since the initial settlement, it does not appear that OPM has identified the source or sources of metals which have caused the company's discharge to exceed permit limits at times. It is recommended that the City include a compliance schedule in any revised enforcement agreement with OPM to grant the company time to identify and correct the cause(s) of exceedances of local pretreatment standards.

Please respond to this letter in writing within 30 days. Should you have any questions, please contact me at (740) 380-5423.

Sincerely,



Fred J. Snell
Pretreatment Coordinator
Division of Surface Water

FJS/dh

- c: Greg Wilson, Director of Water and Wastewater, City of Jackson
- c: Paul Novak, DSW, CO
- c: Andrew Conway, DSW, CO
- c: Rachel DeMuth, DSW, CO
- c: Abbot Stevenson, DSW, SEDO

Attachment 1

OPM SPLIT SAMPLING RESULTS MG/L			
3/31/08	Ginosko Lab	Belmont Lab	
Cadmium	0.0027	0.0265	
Total Chromium	0.0019	0.033	
Copper	1.634	1.81	
Lead	0.158	0.0368	
Mercury	<0.001	0.0012	
Nickel	0.055	0.116	
Silver	0.062	1.4	
Zinc	0.615	0.7	
Gold	<0.06	0.229	
Platinum	<0.04	<0.0125	
Palladium	<0.06	0.0338	
Total Cyanide		0.7	

OPM SPLIT SAMPLING RESULTS MG/L			
4/21/2008	Ginosko Lab	Belmont Lab	
Cadmium	0.016	0.0124	
Total Chromium	<0.0002	0.0185	
Copper	0.274	0.177	
Lead	0.175	0.0147	
Mercury	<0.001	0.0013	
Nickel	<0.002	0.005	
Silver	0.0575	0.458	
Zinc	0.435	0.322	
Gold	<0.06	0.102	
Platinum	<0.04	<0.01	
Palladium	<0.06	<0.02	
Total Cyanide	<0.1	3.6	

WENDB AND RNC WORKSHEET

PCI/Audit/RI Checklist

FACILITY INFORMATION

Name: City of Jackson

Date of Inspection: 6/19/08

OH Number: OH0020834

NPDES Number: OPD00008

I. WENDB DATA ENTRY WORKSHEET

INSTRUCTIONS: Enter the data provided by the specific checklist questions that are referenced.

	Data	Checklist Reference		PCS Code
		PCI	AUDIT	
Number of SIUs	3	Annual	Annual	SIUS
Number of CIUs	1	Annual	Annual	CIUS
Number of SIUs without Control Mechanisms	0	II.C.1	II.D.1.a	NOCM
Number of SIUs not inspected or sampled	0	II.F.1.a	II.F.1.a	NOIN
Number of SIUs in SNC with standards or reporting	1			PSNC
Number of SIUs in SNC with self-monitoring	0			MSNC
Number of SIUs in SNC with self-monitoring and not inspected or sampled	0	II.E.2	II.F.1.d	SNIN
Date NPDES Permit modified to include pretreatment requirements (Audit)	4/21/89			
Technical Evaluation of Local Limits (Y/N) (Audit)	Y			
Adoption of technically-based limits (Y/N) (Audit)	Y			

II. RNC/SNC WORKSHEET

INSTRUCTIONS: Place a check in the appropriate box on the left if the CA is found to be in RNC or SNC

	RNC	Level	Reference	
			PCI	Audit
<input checked="" type="checkbox"/>	Failure to enforce against pass through and/or interference	I		
	Failure to submit required reports within 30 days	I		
<input checked="" type="checkbox"/>	Failure to meet compliance schedule milestone date within 90 days	I		
	Failure to issue/reissue control mechanisms to 90% of SIUs within 6 months	II	II.C.2.b	II.D.1.b
	Failure to inspect or sample 80% of SIUs within the last 12 months	II	II.E.1	II.F.1
<input checked="" type="checkbox"/>	Failure to enforce pretreatment standards and reporting requirements	II		I.C.1
	Other (specify)	II		
SNC				
<input checked="" type="checkbox"/>	Control Authority in SNC for violation of any Level I criterion			
	Control Authority in SNC for violation of two or more Level II criterion			