Ohio EPA
40 years and moving forward

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

February 8, 2013

RE: MAHONING COUNTY
INDUSTRIAL PRETREATMENT PROGRAM
PRETREATMENT PROGRAM AUDIT
NPDES PERMITS 3PK00002*KD,
3PK00011*ID, 3PD00008*MD

Board of Commissioners
Mahoning County
21 West Boardman Street
Youngstown, OH 44503

Ladies and Gentlemen:

This office conducted a Pretreatment Audit Inspection (PAI) of the Mahoning County Industrial Pretreatment Program (IPP) on January 24 and 30, 2013. The purpose of the inspection was to determine if the IPP is in compliance with state and federal pretreatment regulations and requirements. Donna Kniss represented the Ohio EPA. Michael Szenborn, Field Supervisor & Pretreatment Coordinator, and Bob Kovach, Chemist, represented the County. One company, VIA Industries (Sovereign Circuits), was visited during the inspection.

The overall evaluation of the IPP is that it is operating in a satisfactory manner. However, the PAI did reveal some deficiencies, which are discussed below:

1. A review of the Mahoning County wastewater treatment plants (WWTPs) eDMR data showed pollutant method detection levels (MDLs) that were either incorrect or suspect. Mr. Szenborn indicated that the County recently made changes to software that interfaced with eDMR, and the MDLs may not have transferred correctly. He stated that he would review and confirm the correct MDLs for all pollutant parameters during the preparation of the next eDMR submittals. Data for 2012 should be resubmitted as necessary. Mr. Szenborn's findings should be communicated to this office so that the information can be used in the evaluation of the WWTP data during the Boardman and Meander NPDES permit renewals. Reporting incorrect MDLs is a deficiency in supplying correct and complete information to satisfy NPDES permit requirements.

2. Mr. Szenborn indicated that he had been unable to locate a copy of the multijurisdictional agreements with the City of Youngstown. Youngstown representatives supplied a copy of the agreement during the City PAI conducted in June 2012. The agreement with Mahoning County contained language about acceptable discharges, but did not appear to explicitly address IPP authorities. This office indicated that the agreement should be reviewed by a legal professional to ensure that the City has all necessary IPP authorities. The County should contact Youngstown personnel to obtain a copy of the agreement and review it to ensure that it conforms to current practices. The County must also develop multi-jurisdictional agreements with Canfield and Trumbull County to ensure it has the authority to regulate industrial discharges in areas where Mahoning County does not own the sewers. Failure to have adequate multijurisdictional requirements is a deficiency in the requirements found in 40 CFR 403.8(f)(1) and OAC 3745-3-03(C)(1).

3. Extrudex is subject to equivalent concentration limits based on production-based categorical standards, which require having both production activity and water discharge records. The file review showed that the permit limits were based on data collected for one production day. Equivalent concentration limits are supposed to be based on data collected over an extended period in order to account for normal variations in production activities. More significantly, Extrudex has not reported flow or production data with its self-monitoring reports. Daily flow is listed as a monitoring requirement with a limit in the significant industrial user (SIU) permit, so Mahoning County's failure to cite Extrudex for failing to report flow is a deficiency in the requirements found in 40 CFR 403.8(f)(2)(iv) and OAC 3745-3-03(C)(2)(d). Failure to require reports containing flow and production data for SIUs subject to equivalent concentration limits is a deficiency in the requirements found in 40 CFR 403.12(e)(1) and (5), and OAC 374-3-06(E)(3)(b) and (c).

4. The Via Industries inspection revealed a previously undocumented source of dilution water from ion exchange regeneration. It was determined in this case that there was negligible impact on the permit limits; however, Mahoning County must ensure that all wastewater that can impact the SIU's discharge limits are identified and quantified. 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).

5. The Extrudex permit contained language authorizing the submission of a Toxic Organics Management Plan (TOMP) in lieu of sampling for total toxic organic (TTOs) pollutants. Extrudex is subject to 40 CFR 467, which does not include the TOMP alternative. 40 CFR 467 does contain the "oil and grease" alternative, allowing the SIU to monitor for oil and grease in lieu of conducting TTOs analysis. The 2008 IPP audit revealed that Cintas was submitting TOMP certification statements, but Cintas is not regulated by a categorical standard with the TOMP alternative. Mahoning County must review all SIU permits to ensure that the TOMP and oil and grease alternatives are being used properly. 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. In response to previous audit findings, Mr. Szenborn required SIUs to submit updated TOMPs. The file review showed that the TOMP discussed current TTO uses and controls. The TOMP did not discuss how the introduction of new TTOs would be prevented. This is a common oversight, but is nonetheless a deficiency in the TOMP contents.

7. The file review showed that not all companies were submitting Chains of Custody (COC) with their self-monitoring reports. Failure to conduct sample taking and analysis with sufficient care to produce evidence admissible in court proceedings is a deficiency in the requirement found in 40 CFR 403.8(f)(2)(vii) and OAC 3745-3-03(C)(2)(g). If the County is not requiring the submission of the COCs, then the COCs must be reviewed during the annual inspection and their acceptability noted in the inspection report.

8. During the interview section of the audit, it was clear that Mr. Szenborn had evaluated SIUs for the potential for spill and slug discharges. However, the inspection form did not document the evaluation for a slug discharge control plan, which is a deficiency in the requirements found in 40 CFR 403.8(f)(2)(vi) and OAC 3745-3-03(C)(2)(f).

9. 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. The SIU

inspection revealed that time proportional samples are being collected. As noted in the recommendations below, the SIU permit language is unclear. The County must document the decisions concerning collecting a representative sample, and the SIU permit sampling requirements must reflect that decision.

This office has the following recommendations:

1. The sewer use ordinance (SUO) includes a prohibition against discharging petroleum/mineral oil and grease in quantities that will cause pass through or interference, but does not contain a numeric limit for petroleum oil and grease. The lack of a numeric limit may make it more difficult for the County to take action against a discharger until problems occur. The County should consider developing and implementing a numeric limit for petroleum/mineral oil and grease.

2. The SIU permit contains flow proportional sampling requirements language in different sections that appear to be inconsistent. The county should review the permit language to ensure it clearly and consistently communicates the requirements.

3. The Enforcement Response Plan (ERP) contains timetables for the IPP to respond to violations after becoming aware of them. The file review showed the IPP response to discovering a violation in IPP monitoring, but the file did not show when the IPP was first made aware of the violation. The sample analysis and reporting data is documented in Mahoning County Laboratory's records, but should be included in the IPP files to document that the IPP responded in accordance with the ERP.

Please respond to this office within 30 days of the date of this letter, documenting the steps that will be taken to address the deficiencies 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

Donna J. Kniss
District Engineer
Division of Surface Water
Northeast District Office

DJK/cs

cc: Bill Coleman, Mahoning County Sanitary Engineer's Office
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