



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

June 14, 2013

RE: LAKE COUNTY
INDUSTRIAL PRETREATMENT PROGRAM
PRETREATMENT PROGRAM AUDIT
NPDES PERMITS 3PK00033*MD
AND 3PK00032*LD
LAKE COUNTY

NOTICE OF VIOLATION

Robert Shelby
Director of Wastewater Operations
Lake County Department of utilities
105 Main Street
P. O. Box 490
Painesville, Ohio 44077

Dear Mr. Shelby:

This office conducted a Pretreatment Audit Inspection (PAI) of the Lake County Industrial Pretreatment Program (IPP) on June 4 and 5, 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 and John Schmidt represented the Ohio EPA. Jerry Ondo, Industrial Pretreatment Supervisor, Mike Melnyk, Gary L. Kron wastewater treatment plant (WWTP) Superintendent, and Mike Erkkila and Dominic Sherwood, Industrial Pretreatment Inspectors, represented the County. One industry, Hardy Industrial Technologies, was visited during the inspection.

This is a Notice of Violation because the County failed to submit a revised Sewer Use Ordinance (SUO) by August 1, 2012, as required in item 4 of Part I,C of National Pollutant Discharge Elimination System (NPDES) permit 3PK00033*MD, and failed to submit the April 15, 2012 Annual Report required by Item V.9.b. of the NPDEs permit. All required information for the Annual Report was collected, and the report was submitted on June 14, 2013, correcting that violation. A revised SUO must be submitted to incorporate changes in Chapter 3745-3 of Ohio Administrative Code (OAC), which became effective on February 1, 2007. There are mandatory changes and optional changes. This office recommended that Lake County adopt two optional changes that authorize general permits and monitoring waivers for categorical pollutants.

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. Mr. Ondo indicated that the Lake County technical justification for local limits will be returned for certification by a licensed Ohio Professional Engineer, as required by OAC 3745-42-03(A)(1)(d). The local limit calculations did not include an evaluation of the landfill leachate and septage received by the WWTP. Both leachate and septage can be significant sources of metals. This office instructed Mr. Ondo to compare metal concentrations in leachate and

septage to the concentrations used to calculate the non-industrial loadings. If the leachate and/or septage concentrations are significantly higher, Lake County must account for those sources in the local limit calculations.

2. The IPP does sample and inspect non-significant industrial users, generally in response to complaints. However, there is not a procedure for periodically evaluating all non-significant industrial users, which is a deficiency in the requirement found in 40 Code of Federal Regulations (CFR) 403.8(f)(2)(ii) and OAC 3745-3-03(C)(2)(b). Typically, non-significant industrial users are evaluated every 3-5 years, and the evaluation typically starts with a wastewater survey form.
3. Section 5.04.B.6. of the SUO contains a prohibition against emulsified non-polar oil and grease concentrations higher than 50 mg/l. This is consistent with the Significant Industrial User (SIU) permits. However, the permits also contain a prohibition against 100 mg/l of total oil and grease, and this prohibition did not appear to be in the SUO. If the 100 mg/l total oil and grease limit is not in the SUO, it diminishes the enforceability of the limit, 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).
4. Section 5.04.B.13 of the SUO contains a prohibition against waste with a gross alpha activity of greater than 1×10^{-7} $\mu\text{Ci/ml}$. The source for this value is not identified, and the prohibition is not consistent with the prohibition language in the SIU permits. This diminishes 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). The prohibition language in the SIU permit is acceptable.
5. The SIU permits contained language identifying the sampling location, and contained language about the use of the Combined Wastestream Formula (CWF) for evaluating compliance with categorical limits. However, discussions with the Lake County IPP personnel revealed that samples were frequently collected at different locations. Failure to specifically identify the correct sample location in the permit 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). Please note that, for the SIUs reviewed, the CWF was correctly applied despite the discrepancy in sample locations.
6. The file review showed that all categorically regulated industries contained the categorical limits for 40 CFR 433, even if the industry was regulated by a different 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). Please note that, while the Nova permit contained the 40 CFR 433 limits, Nova was monitoring for the appropriate, 40 CFR 414, pollutant parameters, and the file review showed no violations of the 414 limits.
7. As noted above, Nova is monitoring twice per year for 40 CFR 414 pollutant parameters. However, Lake County is not conducting sampling for the 414 parameters. Failure of the IPP to sample the SIU once per year for categorical parameters is a deficiency in the requirement found in 40 CFR 403.8(f)(2)(v) and OAC 3745-3-03(C)(2)(e).
8. The SIU permits contained language requiring the submission of a Toxic Organics Management Plan (TOMP) and periodic certification statements. TTO sampling with a TOMP alternative is limited to specific categorical standards and industrial sectors, which does not include all Lake County SIUs. 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). From discussions, it appears that Lake County's intent is for the SIUs to have a plan for controlling organic compounds, and we discussed alternative plans and titles.

9. The previous IPP inspection noted that the SIU permit referenced using sampling and analysis methods approved in 40 CFR 136, published October 16, 1975, but did not reference later revisions. The most current version of 40 CFR 136 must be used, and the permit language must reflect that. Failure to require the appropriate sampling and analysis procedures is a deficiency in the requirement found in 40 CFR 403.12(g)(3) and OAC 3745-3-06(H)(4). This language was again found in some, but not all SIU permits, indicating that the corrections completed after the last inspection were either not applied to 100% of the permits or were later reversed.
10. The file review and interview revealed that Lake County and the SIUs take time proportional samples. 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.
11. 40 CFR 403.8 (f)(2)(vi) and OAC 3745-3-(C)(2)(f) require the County to evaluate SIUs for the need for a slug discharge control plan. As these sections of the rules note, slug discharges include more than accidental spills. The SIU annual inspection does include an evaluation of spill potentials, and the SIUs have submitted spill control plans. However, the requirement for a slug discharge control plan is not specifically addressed. Failure to evaluate an SIU for a slug discharge control plan is a deficiency in the requirement found in 40 CFR 403.8(f)(2)(vi) and OAC 3745-3-03(C)(2)(f). The current inspection and spill control plan provisions provide a good basis to begin evaluating other types of slug discharges.
12. While the handling of confidential information requests is contained in the SUO, the County does not have a procedure for handling these requests. The procedure must ensure that requests conform to federal and state public records requirements. 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.

This office has the following recommendations:

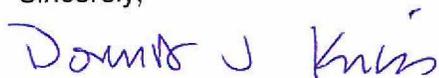
1. The Gary L. Kron NPDES permit does not contain monitoring requirements for total dissolved solids (TDS). TDS is now being added to municipal NPDES permits, and high TDS is one of the more common causes for whole effluent toxicity (WET). This office recommends that Lake County periodically sample for TDS, and ensure TDS testing is conducted at the same time WET tests are conducted.
2. The Lake County Madison NPDES permit did not contain a compliance schedule for the development of local limits because there are no SIUs currently discharging to the WWTP. The NPDES permit does contain effluent water quality based criteria in Part II. The County should consider developing local limits (i.e., calculating the maximum allowable industrial loading) for the Madison WWTP so any proposed new industrial discharge can be quickly evaluated for its potential impact on the WWTP.

3. The previous IPP audit revealed that prohibited discharge section of the SIU permit referenced discharges that exceed the limits in 29 CFR 1910.1000, which covers regulatory limits for occupational exposure to certain chemicals. Because the limits in 29 CFR 1910.1000 are for air concentrations, not water concentrations this office stated that the language must be revised. The current SIU language appears acceptable, but could also be confusing to someone without OSHA and industrial pretreatment experience. The County should consider clarifying this language.

As noted above, the local limits technical justification document is being returned and will be reevaluated, and Lake County must revise its SUO to reflect changes in the state rules. Also noted above were deficiencies in the current SIU permits. This office suggested that Lake County submit the revised and certified local limits, revised SUO, and a revised SIU permit template as one package. After Ohio EPA review and concurrence, the revised permit template would then be used to draft all SIU permits to ensure all SIU permits contain correct, recent language. Mr. Ondo agreed that this was an acceptable solution to the noted deficiencies. These revisions will require a significant amount of work, and Lake County should evaluate the need for outside assistance in order to make a timely submittal.

Please respond to this office within 30 days of the receipt of this letter, stating when the package of revisions will be submitted, and documenting the steps that will be taken to address the other 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: Jerry Ondo, Gary L. Kron WRF
Ryan Laake, Ohio EPA, DSW, CO

ec: Marie Underwood, Ohio EPA, DSW, NEDO
John Schmidt, Ohio EPA, DSW, NEDO

File/Municipal Pretreatment/Correspondence-Inspection