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Stephen P Samuels

Member

614.559.7259 (t)

614.464.1737 (f)

ssamuels@fbtlaw.com

May 23, 2016

VIA EMAIL AND REGULAR DELIVERY

Ohio Environmental Protection Agency
Division of Surface Water
Permits Processing Unit
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

Ohio Environmental Protection Agency
Northwest District Office
347 North Dunbridge Street
Bowling Green, Ohio 43402

Re: NPDES Draft Permit No. 2PE00000*ND
City of Lima Wastewater Treatment Plant (WWTP)

Dear Sirs and Mesdames:

Thank you for the opportunity to provide the City of Lima's input on the draft permit in advance of the public notice. The attachment to this letter sets forth our preliminary comments and concerns.

As you will find, a number of our comments raise questions about the data and/or logic underlying specific terms and conditions. Although the Fact Sheet provides a useful overview of such matters, it is not sufficiently detailed or comprehensive to fully address many of our questions. Accordingly, we are requesting the entire relevant STORET data base regarding the City of Lima and the Ottawa River. After we have had the opportunity to digest that information, we would like the opportunity to meet with you to discuss the matters identified in these comments.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen P. Samuels', written over a horizontal line.

Stephen P. Samuels
Counsel for the City of Lima

cc: Mayor David Berger
Gary Sheely
Tony Geiger
Steve Wordelman
David Schnipke
Brad Lowery
Jim Bookman

Fred Andes
Michael Caprella
Erika Powers
Dale Siebert
Alana Shockey
Eric Markley
Gary Bauer

**Comments of the City of Lima, Ohio
Regarding draft NPDES Permit No. P000000*ND**

1. Pages 5, 8, 11 – The concentration limits and weekly limits for phosphorus should be deleted. The Fact Sheet states that these limits are required by Ohio Admin. Code 3745-33-06(C). However, the rule only requires monthly limits. This is consistent with the draft nutrient rule developed by the Technical Advisory Group (TAG), which suggested longer term (seasonal) limits, as it is the long term loading of phosphorus in a waterbody that can be problematic. The TAG also indicated that, because phosphorus is not a toxic pollutant, the use of loading limits only was a better paradigm for regulatory purposes.
2. Page 6 - As Alpha-BHC was detected only once in eleven samples over five years of monitoring and the WQS for this parameter is an *outside* the mixing zone number, the frequency should remain at 1/yr. In addition, the City objects to the inclusion of this parameter in "Tracking of Group 4 Parameters" (Part II, Paragraph M, p. 47), and this is the subject of comment 19.
3. Pages 6, 7, 9, 12, 56 - The City objects to the reduction in the allowable mercury effluent limits from the currently effective (*MD) permit. According to the Fact Sheet, the rationale for the change is that the plant has been able to meet a monthly average of 5.5 ng/l. Although the sampling results have been lower recently, there still has been a significant amount of variability in individual samples. So, we believe that reducing the average monthly limit is not appropriate. (The WWTP consistently met the daily loading limit of 0.29 ng/l.) The City has been implementing and will continue to vigorously pursue a mercury reduction program. It should not be placed in jeopardy of violating its permit because of the program's success. The discussion regarding the appropriate mercury limitations should also involve a dialogue regarding the mercury variance language found in section EE.
4. Pages 6, 47 – According to the Fact Sheet, free cyanide was detected "only once in 65 samples" over five years. Accordingly, monitoring should be discontinued. In addition, the City objects to the inclusion of this parameter in "Tracking of Group 4 Parameters" (Part II, Paragraph M, p. 47). See comment 19.
5. Pages 6, 9, 12, 32-33 – The City has multiple questions regarding the legal and technical justification for both the acute and chronic toxicity limits, and the economic feasibility of meeting them. Accordingly, the City requests the opportunity to meet with OEPA to engage in a comprehensive discussion of these matters.
6. Pages 6, 9, 37-38 – According to the Fact Sheet, in 34 of 38 samples, bis (2-ethylhexyl) phthalate ("bis 2") was not detected at all. In only one instance was the result (9.6 ug/l) above the monthly average WQS limit of 8.4. However, this result—and all other results—is almost *three orders of magnitude* less than the maximum concentration limit of 1100 ug/l. Had the City taken additional samples during the month when the detection was 9.6 ug/l, the monthly average would have been substantially below the

monthly "limit." There is scant justification for continuing to require monitoring of bis 2, and none for imposing effluent limits.

7. Page 7, 9, 33-34 - According to the Fact Sheet, there has been no detection of hexavalent chromium in more than three years and more than 30 samples. Therefore, there is little justification for continuing to require monitoring of this parameter, and none for imposing effluent limits. *Group 5*

8. Pages 5, 7, 9, 47 - Selenium effluent limit. See comments 2 and 4. *Group 5*

9. Page 9 - It appears that OEPA has mistakenly transposed the monthly and maximum limits for bis 2, in both the concentration and loading columns. *— correct*

10. Page 14 - The introductory text of Part I.B.1. CSO Monitoring contains a typo. As currently written the last sentence provides, "See Part II, OTHER REQUIREMENTS, for location of sludge sampling." This sentence should read "See Part II, OTHER REQUIREMENTS, for location of **outfall** sampling." *Strike "Sludge" or change to "outfall"*

11. Page 23 - The *MD permit contains language stating that if the City did testing proving no pathogen regrowth in its biosolids, the "60-day requirement" would terminate. Our understanding is that the City submitted, and OEPA accepted, the testing showing no regrowth. Therefore, subsection "I" should state (per the *MD permit): "the permittee will monitor the biosolids for fecal coliform at least once before the biosolids leave the permittee's control." *Not talk about regrowth - just need to be less than 300 per 100g*

12. Page 24 - A note should be added stating that "Scum may be separately handled and disposed of in a mixed solid waste landfill; if disposed in this manner, it is not subject to sludge weight reporting requirements." This note was included in the *MD permit to allow scum that is dewatered and landfilled to be excluded from monitoring and reporting requirements and appears to have been inadvertently deleted from the Preliminary Draft Permit. *Scum Biosolid language needed to be in*

13. Page 25 - Note "a" should be revised to add "or a facility with an Ohio EPA-approved sludge management plan" to the end of the first sentence. This phrase was included in the *MD permit and appears to have been inadvertently deleted. Pursuant to Ohio Admin. Code 3745-40-03, the treatment, storage, transfer, or disposal of sewage sludge or biosolids may be authorized by the Director under an NPDES permit or an approved management plant. Accordingly, both transfer options should be listed in note "a." *→ say in*

14. Page 28 - There does not appear to be any justification for requiring burdensome upstream *daily* monitoring of Dissolved Oxygen (DO). All other upstream parameters are only required to be monitored once per month; the downstream monitoring requirement for DO is monthly; and the *MD permit only requires monthly upstream DO sampling. The upstream monitoring of DO should be monthly. *ok as is → change*

15. Page 31 - Part d.vii should read "Complete construction as soon as possible, but no later than 66 months from the effective date of the previous permit." *→ Can be completed*

16. Pages 6, 9, 12, 32-33 – The City has multiple questions regarding the legal and technical justification for both the acute and chronic toxicity limits, and the economic feasibility of meeting them. Accordingly, the City requests the opportunity to meet with OEPA to engage in a comprehensive discussion of these matters.
17. Page 34 – The following sentence from the *MD permit should be added to the end of the second paragraph of Part I, C, Section D.1: “If there is no reasonable potential for the permittee’s discharge to cause water quality violations of the values in Part II.AA.4 of this permit, the existing local limits will continue to apply. If changes to the local limits are required, the permittee shall, after consultation with the Director and its industrial users, take all appropriate actions.”
18. Page 47 – Part II, M concerning Tracking of Group 4 Parameters appears to identify the wrong constituents. Table 17 of the draft Fact Sheet indicates that Total Filterable Residue (TFR) is the only assessed parameter included in Group 4. Free Cyanide, Alpha BHC, and Selenium should be removed from this part. In addition, the third paragraph should be revised to: “The permittee must make reasonable progress towards reducing discharge levels to below the PEL if the thirty-day average effluent concentration for the pollutant is greater than the PEL for two or more months during a consecutive six-month period. If the permittee cannot reduce discharge levels to below the PEL within six months, the permittee shall submit a report evaluating the reasons for the result, and identifying technically feasible and cost-effective measures, if any, that the permittee will take to achieve the PEL.”
19. Page 52 – Part II, AA.5 concerning local limits contains waste load allocation values for a number of parameters, many of which have been revised from the *MD permit. Please provide the basis for these revisions.
20. Page 57 – Part II, EE.1.3 concerning the mercury variance indicates that the permittee’s mercury variance application was submitted on July 15, 2016. That date should be corrected to July 15, 2015.
21. Pages 73-94 – Parts IV, V, and VI should be removed. First, we do not believe that precipitation-related discharges associated with the WWTP site constitute stormwater exposed to industrial activities. Second, to the extent the WWTP discharges stormwater from any conveyance (See OAC 3745-39-04), it is fully treated and governed by the limits applicable to those discharge points. Even if OEPA disagrees with the first two points, the permit should note that any stormwater provisions that are necessary should be applicable only to the wastewater treatment plant site, not the entire collection system.
22. Fact Sheet, page 12 – Please provide the flow data and methodology used to distribute the available Ottawa River assimilative capacity among Husky Lima Refinery, PCS Nitrogen, and Shawnee #2 WWTP and to develop the City of Lima’s wasteload allocation.
23. Fact Sheet, [page 37 – All flow data, and much of the background data, is very different from that used as the basis for the previous permit and, we suspect, impacted the WLA

calculations. Please provide this information and the basis for utilizing the specific data set employed to calculate the WLA.

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