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Member

JUN 17 2016

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OHIO E.P.A.

N.W.D.O.

June 15, 2016

Entity: Lima

Doc Type: NOV

Doc Subtype: NPDES

Program: NPDES

County: Allen

Secondary ID: 20600000

VIA ELECTRONIC MAIL

VIA REGULAR MAIL

Elizabeth A. Wick
Environmental Engineer/Section Manager
Ohio EPA, Northwest District Office
347 N. Dunbridge Rd.
Bowling Green, OH 43402

Dear Ms. Wick:

This is written in response to your Notice of Violation dated June 1, 2016. Since my May 12, 2016 letter, we have learned that the sodium hypochlorite (NaOCl) loss occurred following the relocation of the disinfectant delivery system, which was driven by the WWTP upgrades required by the Consent Decree and the City's NPDES permit. As part of the relocation, the independent contractor retained by the City to perform this work needed to drain the tanks to test them. However, he neglected to close the valve at the conclusion of his work. Ordinarily, the valve is maintained in a closed position, so the City personnel who refilled the tank did not inspect it prior to it being filled with NaOCl on April 12. In addition, the pumps used for metering the NaOCl were not re-installed until April 15, 2016, in preparation for summer disinfection. The significance of this is that the metering pumps act as an additional control of the flow out of the tanks. Thus, it is exceedingly unlikely that the circumstances that caused this discharge are likely to recur.

Nevertheless, and notwithstanding that we disagree that the allegations listed in your letter constitute violations of law, the City fully supports, and will implement, the type of protocol changes you suggest so that a similar event does not occur in the future.

Your letter is divided into six findings. Each finding lists an alleged violation and requested action. You requested that the City address these alleged violations within 15 days of receipt of this letter. This letter and the accompanying enclosures serve as the City's response to the findings and requested actions in the NOV.

1. Discharge

After careful review of the Revised Code, Administrative Code, and NPDES permit, the City of Lima respectfully disagrees with your finding that it has violated R.C. 6111.04(A)(1), Ohio

Admin. Code 3745-1-04(D), or Permit 2PE00000, Part III, Item 2.d. As I explained in my May 12, 2016 letter to Peggy Christy, no violation of the City's NPDES permit effluent limitations occurred and, as a result, no violation of R.C. 6111.04(A) occurred.

Ohio Revised Code 6111.04(A) provides:

(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.

(2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.

Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending. [**Emphasis added**].

Because the City of Lima holds a NPDES permit authorizing discharges from the Lima WWTP, R.C. 6111.04, Division (A)(1) does not apply and Lima cannot be found to have violated this provision.

Further, as explained in my letter dated May 12, 2016, to our knowledge, the incident did not cause any harm to human, animal, or aquatic life: (1) despite the fact that the sodium hypochlorite as delivered to the WWTP has a pH >12, the pH of the discharge did not violate permit limits—indeed, it did not deviate from normal discharge levels, (2) WWTP personnel walked the Ottawa River downstream of the WWTP and found no evidence of any fish kills or other adverse impact from the incident.

Nevertheless, the City recognizes that it is important to take measures to prevent a recurrence of this incident. You have requested a report detailing the City's investigation of the incident, conclusions of the investigation and procedures that will be implemented to prevent incidents such as this from happening in the future. A report describing the City's investigation of the incident is enclosed, as is the SOP that the City adopted yesterday.

2. Reporting

In our view, the incident did not trigger reporting requirements under the City's NPDES permit. You cite to R.C. 6111.07(A), R.C. 6111.07(C), and Permit 2PE00000, Part III, Item 12.B.2 and state that the City did not report the spill to the Emergency Hotline within 30 minutes of discovery as required by the City's NPDES permit. The City respectfully disagrees.

Part III, 12.B.2 does not apply to the loss of sodium hypochlorite. This provision only

applies to spills or discharges that violate the NPDES permit and may endanger human health or the environment. As discussed above, the loss of sodium hypochlorite did not result in any permit violation and, to our knowledge, did not pose a danger to human health or the environment. Nevertheless, the City has prepared and will the enclosed SOP to mitigate against a repeat of this incident.

3. Maintaining the Facility in Good Working Order

The letter next alleges that the City failed to maintain proper operation of the sodium hypochlorite tank, in putative violation of R.C. 6111.07(A) and Permit 2PE00000, Part III, Item 3, which states:

All wastewater treatment works shall be operated in a manner consistent with the following:

- A. At all times, the permittee shall maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee **necessary to achieve compliance with the terms and conditions of this permit...**
- B. The permittee shall effectively monitor the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.

As stated earlier, in our view, the loss of sodium hypochlorite did not result in any permit violations and thus, the City did not, as a matter of law, fail to maintain the facility in good working order. As a factual matter, we disagree with the implicit assumption in your letter that a one-time human error necessarily constitutes a failure to maintain proper operation.

Nevertheless, legal arguments aside, as we stated above the City is committed to avoiding these types of mishaps in the future. To that end, the enclosed SOP details the procedures that will be followed going forward to ensure that valves are closed to prevent the loss of sodium hypochlorite.

4. Change in the Nature of the Discharge

Finding 4 of the letter asserts that the City failed to report a significant change in the character of the discharge, as purportedly required by Permit 2PE00000, Part III, Item 16. This section applies to changes in the facility resulting from modification, addition, or expansion or changes in the effluent because of changes in the type of influent processed.

The City respectfully disagrees that Part III, Item 16 applies to a one-time accidental loss of sodium hypochlorite. This section requires facilities to report "any significant changes in the character of the discharge which the permittee knows or has reason to believe...would constitute cause for modification or revocation" of the permit. The one-time accidental discharge of sodium

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hypochlorite would not be a basis for modification or revocation of the permit. However, as stated earlier, despite our legal disagreements, the enclosed SOP describes the measures that will be taken to detect an incident of this sort.

5. Operator of Record

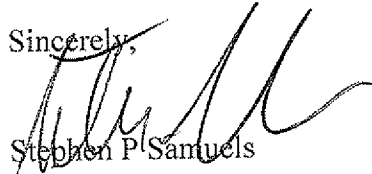
On June 10, the City filed a formal request (on which you were copied) to approve Eric Markley as the operator of record.

6. Release of Hazardous Chemical

Per your request, the City's SOP contains the notification requirements for a release of hazardous substances, including the contact information of the Allen County EMA and the Ohio EPA Spill Hotline.

Should you have any questions regarding the information submitted, please do not hesitate to contact me.

Sincerely,



Stephen P. Samuels

cc: Mayor David Berger
Gary Sheely
Michael Caprella
Tony Geiger
Fred Andes
Saul Allen
Erik Markley
David Schnipke
Peggy Christie
Bill Fischbein

Enclosures

City of Lima
Investigation of Sodium Hypochlorite Incident
April 12-14, 2016

Incident: On April 14, 2016, it was discovered that approximately 2,500 gallons of Sodium Hypochlorite solution was missing from the south storage tank at the wastewater treatment plant.

Investigative Process: The investigation process included interviews of all persons who may have had information regarding the incident, including plant operators on all three shifts, maintenance employees, a lab employee, a contractor and the plant assistant supervisor. Additionally, a tour was conducted of the storage tank area and the system for delivery of sodium hypochlorite to the plant. Documents reviewed included written reports by persons with information regarding the incident, the operator log for the period April 12 – April 22, 2016, the bill of lading for the shipment of 3,040 gallons of sodium hypochlorite solution, and the MSDS for the sodium hypochlorite,

Discussion: Based on the shipping document and the testimony of the daytime operator, the City of Lima received about 3,040 gallons of Liquichlor (Sodium Hypochlorite solution 12.5%) between 11 AM and noon on April 12, 2016. The receiving operator indicated that the south tank was filled completely, with excess allowed to flow to the north tank. The operator also indicated that the outflow valve on both the north and south tanks was open upon his arrival. As part of preparation for receiving the load of NaOCl in the south tank, the outflow valve on the north tank was closed. The south tank outflow valve was left open. Prior to the receipt of the NaOCl, the tank storage system had been tested for leaks in accordance with standard operating practice. Additionally, the pumps used for metering NaOCl were not installed until April 15, 2016. The significance of this fact is that the metering pumps act as an additional control to the gravity flow of NaOCl to the chlorine contact tanks. With the south tank outlet valve open, the tank full, and no other valve having control over the system, the uncontrolled flow of approximately 2,500 gallons of sodium hypochlorite to the WWTP likely began after receipt of the shipment on April 12, 2016, and continued until the night operator closed the valve during his shift the following night.

The testimony of the night shift operator supports this theory. On April 12, while collecting the composite sample, he did not notice a chlorine smell, but did observe the odor of chlorine on the following night (April 13-14) while collecting the sample. He checked the incoming NaOCl line and found that no flow was going to the contact chambers. He back-traced the line to the south storage tank where he found the outflow valve open, which he immediately closed. He attempted to identify the amount of sodium hypochlorite in the south tank but was unable to do so in the darkness. He communicated this information to the Assistant Supervisor the next morning, April 14. The loss of NaOCl was discovered at about noon on April 14, 2016. The Plant Superintendent reported that he walked the river downstream of the WWTP on April 14 to determine if an adverse impact (fish kill) had occurred due to a discharge of sodium hypochlorite, but found no evidence of such.

Conclusion: It appears that approximately 2,500 gallons of sodium hypochlorite discharged via gravity flow from the south tank through the disinfection system to the chlorine contact chambers over a period of approximately 36 hours; i.e., from the time the NaOCl was received at about noon on April 12, 2016, until the outflow valve on the south tank was closed on third shift the night of April 13-14, 2016.

S.O.P.

FILLING HYPOCHLORITE TANK

1. Utilize all PPE required: Face shield, Safety glasses, gloves, Apron/rain suit, respirator, etc.
2. When tank truck arrives, instruct the driver where to make the connection from the truck to the tank.
3. Make sure discharge valve on tank to be filled is in the closed position before filling storage tank.
4. Sign paperwork displaying proper connection is made to the correct tank
5. Remain with driver until unloading is complete.
6. Do not over-fill storage tank. Tank is full at 3,000 gallons. Volume is marked on tank.
7. Clear all hoses and lines of chemical inside containment area if needed. Make sure all chemicals are neutralized. If there is any chemical residue inside the containment area, a Vacuum Truck shall be used to clean the area so the chemicals can be disposed of properly.
8. When all hoses and lines are returned to truck storage and unloading/delivery is complete. If neither tank is currently being used for disinfection (November 1 to April 30), verify that both discharge valves are closed. In summer (May 1 to October 31), verify that the valve on the tank that is being used for disinfection is open.

If a release of Sodium Hypochlorite occurs, immediately contact the Plant Supervisor at 419-303-6909, Allen County EMA at 567-242-9074, and Ohio EPA Spill hotline 1-800-424-8802.

 6-14-16

Eric Markley Acting Supervisor

Effective date 6-14-16