



Water Pollution Control Department

City of Warren, Ohio

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December 16, 2011

Dear Colleagues,

Over the last year, the Ohio Environmental Protection Agency (OEPA) has been setting limits for Total Dissolved Solids (TDS) on a few Cities and Counties in Ohio. As such, Fairfield County filed an appeal on the limits OEPA imposed, in which the Environmental Rules Appeal Commission ruled "the [OEPA] Director's final action of issuing the NPDES permit to Fairfield County unlawful for failure to satisfy the requirements of Ohio Revised Code ("R.C.") 611.03(J)(3)." A copy of the complete finding can be found at <http://www.cseao.org/images/fairfielderacdecision.pdf>.

The OEPA appears to be resolute in the establishment of TDS limits to communities and industries in Ohio, seemingly to satisfy the demands of the Ohio River Valley Water Sanitation Commission (ORSANCO). ORSANCO is an interstate commission representing eight states and the federal government. It was established on June 30, 1948 to control and abate pollution in the Ohio River Basin. ORSANCO has been insistent that OEPA set a 500 mg/l TDS standard for all dischargers in Ohio. TDS comes from numerous sources including steel mills, food processing facilities, landfills, road surface runoff and home water softeners and is very difficult and expensive to remove.

Currently, OEPA is proposing a 622 mg/L TDS limit in the City of Warren's draft NPDES permit. The City of Warren's current NPDES permit has no limit for TDS, nor has any previous NPDES permit for the City of Warren had a limit for TDS. The City of Warren is the first entity that discharges into the Mahoning/ Ohio River watershed to receive a draft NPDES renewal. As such, other discharges should expect similar limits to be imposed upon the renewal of their NPDES permit.

It is extremely disturbing to the City of Warren, and should be to all NPDES holders, that a TDS limit is being imposed without any science based logic or methodology to support the decision. OEPA has very little data to support the need for a TDS limit and much less for the determination of numeric value, in fact, the City of Warren has data (Bio-Assays) that shows the current level of TDS being discharged has no environmental impact on the receiving waters. The OEPA stated reason for imposing a 622 mg/L TDS limit is to meet Pennsylvania's water quality standard of 500 mg/L TDS. The OEPA further states the Mahoning River must meet Pennsylvania's water quality standard at Lowellville (Ohio's) Dam, which is the last point the Mahoning River is monitored prior to entering Pennsylvania's borders.



Recognizing that OEPA was moving in the direction of setting limits for TDS, the City of Warren began sampling the Mahoning River (weekly) for TDS, beginning November of 2010. This sampling was conducted at various points throughout the Mahoning River watershed and included points in Pennsylvania above and below New Castle, PA and into the Beaver River which is formed by the convergence of the Mahoning and Shenango Rivers. All TDS sampling results, conducted in accordance with Standard Methods, were below the 500 mg/L Pennsylvania water quality standard and stated criteria for the OEPA imposed TDS limit. The sampling results were submitted prior to the issuance of the draft NPDES permit in efforts to demonstrate there is currently no need to impose a limit on TDS.

It is very disconcerting to the City of Warren, and should be to all NPDES permit holders, that OEPA is utilizing arbitrary estimated data, which suggests TDS is problematic, instead of actual sampling results which document not only no adverse effects are present due to TDS, but also show compliance with OEPA's own stated goals.

Unquestionably, the City Warren is not opposed to limits being established which ensure water quality and environmental protection. What we do oppose, are politically motivated limits being established in lieu of actual water quality matters and science based limits. We believe limits should only be established after a scientifically approached study is conducted which gathers and reviews credible data to first determine if a pollutant/parameter is or is not having a detrimental effect on the receiving streams environment or water quality. The current action taken by OEPA will not only have a substantial economic impact to all communities and industries which discharge to the Ohio River watershed, but more importantly, sets an ominous precedent for any pollutant of concern in all future NPDES permit renewals in Ohio.

If you are in agreement that limits should be based on science and actual water quality, and limits should only be established after a scientifically approached study has determined current operations are creating water quality issues, please let your concerns be known by commenting on Warren's draft NPDES permit in opposition to the costly and unnecessary limits for TDS. Your opposition to this type of determination for NPDES permit limits now may alleviate appeals to your NPDES permit upon renewal.

Please send comments to both:


OEPA, Lazarus Government Center
Division of Surface Water Permits Processing Unit
50 West Town St., Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

OEPA Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087



Comments must be received before December 31, 2011. In addition, OEPA has scheduled a public hearing on Warren's draft NPDES permit which is scheduled for 6:00 P.M. on January 12, 2012 at the Warren G. Harding High School. Your attendance and comments at this hearing can greatly influence the direction that this and your own permits may follow. As an individual, our voice is weak, but as a community our concerns will demand attention.

Sincerely,



Thomas A. Angelo
Director WPC

P.S.

I have attached a draft comment letter that you may wish to use as a model.

