

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Frisvold, Director

June 2, 2010

RE: MAHONING COUNTY
MAHONING RIVER BASIN
CITY OF ALLIANCE
BROADWAY IRON & METAL INC.

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. George Sacco
Broadway Iron & Metal Inc.
300 South Mahoning Avenue
Alliance, Ohio 44601

Dear Mr. Sacco:

On May 6, 2010, Ohio EPA received a complaint alleging that operations performed at Broadway Iron & Metal Inc., located at 300 South Mahoning Avenue, City of Alliance, Mahoning County (site), were contaminating well water.

On May 12, 2010, Ohio EPA conducted an inspection at Broadway Iron & Metal Inc., located at 300 South Mahoning Avenue, City of Alliance, Mahoning County (site). Ohio EPA records indicate that the site is covered by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Industrial Activity (General Storm Water Permit), permit No. 3GR01199*DG. You were present during the inspection and provided information regarding the site operations. The inspection documented the following violations that must be addressed:

- The storm water pollution prevention plan (SWP3) shall be signed in accordance with Part VII.G of the General Storm Water Permit and be retained on-site. A copy of the site's SWP3 could not be located despite your attempts to locate it and a telephone conversation with Tom Weyer, the site's environmental consultant. **Failure to have a copy of the SWP3 on-site constitutes violations of Ohio Revised Code (ORC) Chapter 6111 and Part IV.B.1 of the General Storm Water Permit;**
- The permittee shall make an SWP3 available upon request to the Ohio EPA Director, or authorized representative. You committed to submitting a copy of the site's SWP3 to Ohio EPA. On May 24, 2010, Randy Graham submitted a copy of the site's General Storm Water Permit. As of the date of this Notice of Violation (NOV), a copy of the site's SWP3 has not been received. **Failure to provide a copy of the site's SWP3 constitutes violations of ORC Chapter 6111 and Part IV.B.2 of the General Storm Water Permit.;**

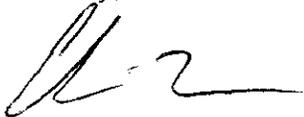
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- Fluid removal from cars occurs in uncovered areas. Fluids (i.e. oil and anti-freeze) were observed on the ground exposed to precipitation events (Figures 1 to 2) and were documented to be discharging in numerous locations to the Thompson Street roadside ditch (Figure 3). **The discharge of pollutants to “waters of the state” constitutes violations of ORC Chapter 6111 and Ohio Administrative Code 3745-01-04(B).**
- Various materials that have the potential to discharge pollutants with storm water were documented without having any best management practices (BMP) implemented. Such materials include batteries (Figure 4), engines (Figure 5), and diesel storage (Figure 6). Oil staining in many of these areas, indicates contaminants are being transported via storm water runoff. **The discharge of pollutants to “waters of the state” constitutes violations of ORC Chapter 6111 and Ohio Administrative Code 3745-01-04(B).**

The inspection also documented that a series of diversion channels have been constructed along the eastern portion of the site that directs contaminated runoff to a pipe. Information must be submitted to verify where the pipe discharge occurs.

Within thirty days of receiving this NOV, an SWP3 must be developed for the site that satisfies Part IV.D of the General Storm Water Permit. Upon completion, the SWP3 must be immediately implemented. **A copy of the site’s SWP3 must be submitted to Ohio EPA for review within thirty days of receiving this NOV.** Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118.

Sincerely,



Chris Moody
Environmental Specialist II
Division of Surface Water

CM/mt

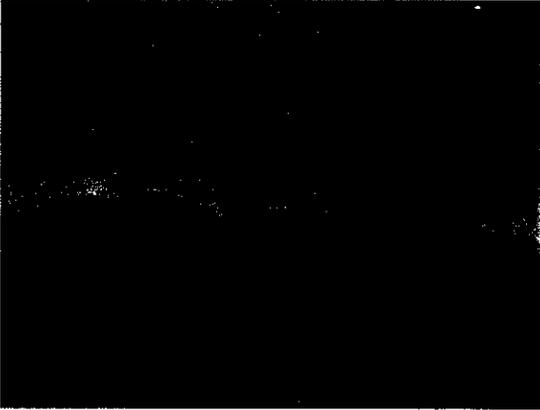


Figure 1 - Fluids (i.e. oil and anti-freeze) were observed on the ground exposed to precipitation events.

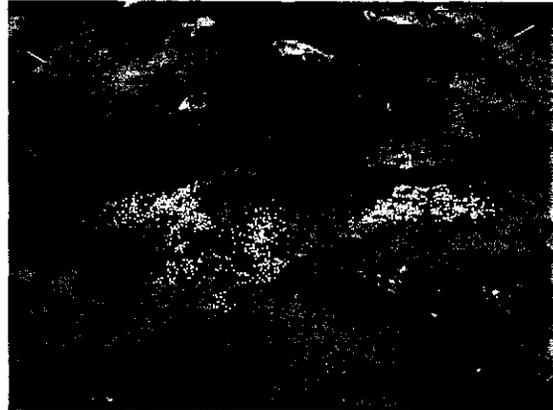


Figure 2 - Fluids (i.e. oil and anti-freeze) were observed on the ground exposed to precipitation events.

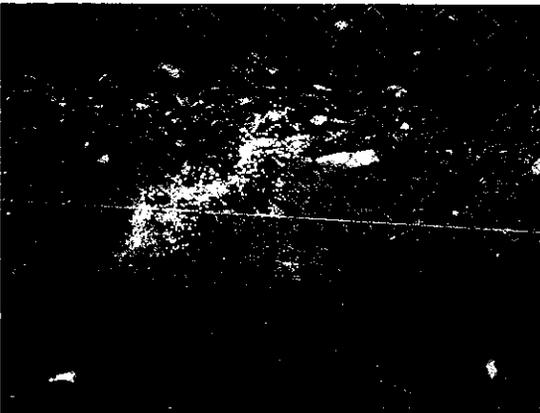


Figure 3 - Fluids (i.e. oil and anti-freeze) were discharging in numerous locations to the Thompson Street roadside ditch.



Figure 4 - The battery storage area has the potential to discharge pollutants with storm water.

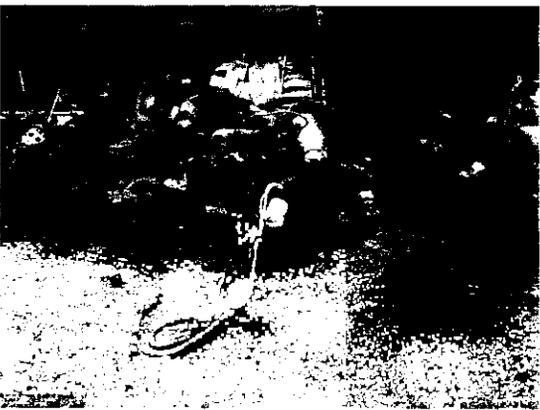


Figure 5 - The engine storage area has the potential to discharge pollutants with storm water.

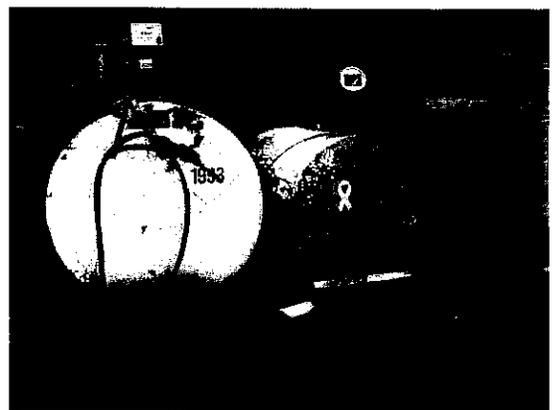


Figure 6 - The diesel storage area has the potential to discharge pollutants with storm water.



Figure 7 - A series of diversion channels have been constructed along the eastern portion of the site that directs contaminated runoff to a pipe.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Jerry Court</p> <p>C. Date of Delivery 6-4-10</p>
<p>1. Article Addressed to:</p> <p>George Sacco Broadway Iron & Metal Inc. 300 South Mahoning Ave Alliance OH 44601</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7009 1680 0001 9552 1455 (Moody 6/13/10)</p>	

PS Form 3811, February 2004

Domestic Return Receipt

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PS Form 3800, August 2006 See Reverse for Instructions

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