

**Environmental  
Protection Agency**

Paul Taft, Inc., Governor  
Lee Fisher, Lt. Governor  
Chris Tomeski, Director

August 24, 2010

RE: OSBORNE, INC.  
3GR00264\*CG  
INDUSTRIAL STORMWATER  
LAKE COUNTY

**NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Mr. Trevor Tagliamonti  
Osborne, Inc.  
32800 Lakeland Blvd.  
Willowick, Ohio 44094

Dear Mr. Tagliamonti:

On July 14, 2010 and August 5, 2010, Ohio EPA conducted an inspection of Osborne Inc. located at 32800 Lakeland Blvd., City of Willowick, Lake County. Ohio EPA records indicate that the site is covered by the General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Industrial Activity (General Storm Water Permit), permit No. 3GR00264\*CG. I was accompanied by David Rischar of Ohio EPA. The following observations were made:

Osborne Inc. is a ready-mix concrete plant located at 32800 Lakeland Blvd. adjacent to a pond which receives runoff from the City of Willowick municipal separate storm sewer system (MS4). As typical with ready mix concrete plants, wastewaters generated are drum washout water from returning batch trucks. This water is currently being contained by a berm around the border of the property near the pond.

During the inspection conducted on July 14, 2010, there was damage to the berm allowing wastewater to discharge into the pond. The dried concrete around the flow path indicated that wastewater had been discharging to the pond for an extended period of time. During the August 5, 2010 inspection, the pond water was cloudy and several dead fish were observed on the surface. Pictures of the aforementioned are attached for the record. **Please be aware that the discharge of non-storm water constitutes a violation of Part III.A of the General Storm Water Permit.** Osborne Inc. is not authorized to discharge washout water from this facility.

To properly manage washout waters and prevent illicit discharges, a containment pit and recycling system should be installed. If this is not possible, you should contact your local wastewater treatment plant operator regarding pretreatment and the authorization to discharge to the city's sanitary sewer system. In addition, you may contact Marie Underwood of this office at (330) 963-1183 to discuss other wastewater treatment options.

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Further, **Osborne Inc. was not able to produce a Storm Water Pollution Prevention Plan (SWPPP) for the facility. This is a violation of Part IV.A of the General Storm Water Permit.** Per Part IV.A.1 of the NPDES permit, facilities in existence as of April 1, 1993, were required to prepare an SWP3 on or before April 1, 1993, and the plan was to be implemented on or before October 1, 1993. Facilities that commence discharges after April 1, 1993, are required to prepare and implement the plan within 180 days of initial issuance of General Permit coverage. To correct this violation, Osborne Inc. must develop and implement an SWPPP as soon as practicable.

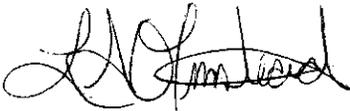
**Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07. Violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation.**

To address these violations, we ask that you take the following actions:

1. No later than September 7, 2010 respond in writing with your plans to prevent or properly manage washout water generated by your facility.
2. The SWPPP shall be created and available on site for review. In addition, please submit a copy of the plan to this office no later than October 1, 2010. Storm water best management practices (BMPs) are to be implemented upon creation of the SWPPP. For BMPs that may require additional time to implement, please propose a schedule for their implementation with your plan submittal.

If you should have any questions concerning this letter, feel free to contact this writer at (330) 963-1125 or by e-mail [lindsey.olmstead@epa.state.oh.us](mailto:lindsey.olmstead@epa.state.oh.us).

Sincerely,



Lindsey A. Olmstead  
Assistant to the District Engineer  
Division of Surface Water

LAO/mt

cc: Marie Underwood, Ohio EPA, DSW, NEDO  
Dan Bogoevski, Ohio EPA, DSW, NEDO



Figure 1: The pond adjacent to the site.



Figure 2: A dead fish and cloudy water in the pond adjacent to the site.



Figure 3: A dead fish and cloudy water in the pond adjacent to the site.



Figure 4: Washout water accumulating along the berm.

