



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

January 13, 2011

RE: LORAIN COUNTY
BLACK RIVER WATERSHED
CITY OF LORAIN
TERMINAL READY-MIX INC.

NOTICE OF VIOLATION

Mr. Russ Rosso
Terminal Ready-Mix Inc.
524 Colorado Ave.
Lorain, OH 44052

Dear Mr. Rosso:

On January 6, 2011, I met with you and performed a compliance inspection of storm water best management practices (BMPs) in response to a complaint received from a concerned citizen. The citizen indicated that large piles of salt have been brought to the site and are being stored along the Black River. The citizen expressed concerns about surface and groundwater impacts that may result from this activity. Our records indicate that Terminal Ready-Mix has obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Industrial Activities #3GR01276*DG.

My inspection revealed that Terminal Ready-Mix has entered into an agreement with Cargill Salt to act as a road salt distribution terminal for the current winter season. Significantly large stockpiles of road salt were observed along the Black River and are exposed to precipitation (see photos). Terminal Ready-Mix had established a berm consisting of a sand/stone mix similar to ODOT Specification 411 aggregate. Please be aware that this berm will not prevent dissolved salts from discharging to the Black River and is not an adequate control to address environmental concerns. As we discussed on site, Part IV.D.8 of the NPDES permit requires Terminal Ready-Mix to enclose or cover all salt storage piles to prevent exposure to precipitation.

This letter will serve as notice that Terminal Ready-Mix is in violation of Part IV.D.8 of the NPDES permit for failing to enclose or cover salt storage piles. Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07 and is punishable by fines of up to \$25,000 per day of violation. Terminal Ready-Mix will remain in violation until the salt piles are enclosed or covered.

On January 10, 2011, you sent me an e-mail indicating that the salt piles are being tarped. I asked you to provide me with photographs to demonstrate that the piles have been covered once tarping has been completed. I am still awaiting photos.

Salt Storage

On the date of site inspection, you indicated that Terminal Ready-Mix may serve as a salt distribution terminal beyond the current road deicing season. If so, Terminal Ready-Mix should plan to implement a more permanent salt storage solution before the next road deicing season. Because there are no economical or practical treatment systems to remove salt once it has

become dissolved in runoff or groundwater, pollution prevention practices for salt are focused on minimizing or eliminating its exposure to storm water and preventing its migration to groundwater. The best pollution prevention practice is to store salt within a storm-resistant shelter such as a dome or Quonset hut-type structure. The door or opening to the storage structure should be placed on the opposite direction of prevailing winds, i.e., the east or south side. The structure should be located where it will not be subject to run-on. If this is not possible, any run-on should be diverted away from salt storage areas. This can be accomplished by installing catch basins or diversion berms upland from the salt storage area. Any berm constructed to control surface water flows must have the structural integrity to withstand expected surface flows directed to it. I expressed my concerns about the structural integrity of the sand/stone berm that was recently installed along the Black River.

In addition to controlling surface flows, measures should be taken to protect groundwater from salt contamination. Given the proximity of the salt piles to the Black River, it is highly likely that salt in groundwater will migrate to the river. Salt should be stored on pavement to prevent contamination of groundwater. The Salt Institute (www.saltinstitute.org) recommends salt be stored on asphalt or on concrete that has been sealed with an asphalt-based sealant. You indicated that some, but not all, of the existing salt pile is located on concrete.

Finally, salt is typically spilled during the delivery and truck loading processes. Good housekeeping practices must be implemented to sweep up salt that gets spilled during these processes. Salt should be placed back under cover or within the protected area. Loading areas can be designed so that loading occurs under cover.

Other Storm Water Pollution Concerns

While on site, I reviewed the Storm Water Pollution Prevention Plan (SWP3) for this facility. Record keeping, staff training and frequency of storm water monitoring appear to meet or exceed the requirements of your current NPDES permit. However, the following concerns were noted:

- **The SWP3 has not been updated to reflect a change in site operations** (addition of salt terminal). Part IV.C of the NPDES permit requires you to amend the SWP3 whenever there is a change in design, construction, operation or maintenance that has significant potential to discharge pollutants to surface waters. The plan must be amended to add the salt terminal operations and it must provide BMPs for this operation.
- **Discharges from the detention basins run onto the sand, aggregate and salt storage area.** This run-on should be diverted away from material storage piles so as to not mobilize pollutants and cause them to discharge to the Black River.
- **Storm water sampling points are not located at the point of discharge from the facility.** Monitoring locations must be established at all points where storm water discharges associated with industrial activity leave your property or enter the Black River. Currently, samples are taken from each of the two dry extended detention basins, however, discharges from these basins pass through the area where sand, aggregate and salt are stored before runoff enters the Black River. The material storage area

constitutes an area of industrial activity. Thus, monitoring results are not representative of the discharge from industrial activity. One possible way to establish an appropriate location for storm water sampling is to create a berm along the Black River with a weir or weirs in appropriate locations (see enclosure).

- **Storm water monitoring which has been conducted to date indicates iron (Fe) is consistently above benchmark values contained in the United States Environmental Protection Agency Multi-Sector General Permit (MSGP).** Please evaluate sources of iron from your industrial activities and amend or add BMPs as needed to reduce discharges of Fe from this facility. Although much of the site was snow-covered, I did observe buildings with rust, which may be a possible source of Fe. Building maintenance such as painting and removing scrap from the yard may address these types of sources.
- **Storm water monitoring which has been conducted to date indicates total suspended solids (TSS) from Basin A (basin nearer the front of the site) were above benchmark values in the MSGP.** Elevated levels of TSS were observed during the summer but have since fallen below benchmark. You believe elevated TSS was due to unstable areas within the yard, which has since been vegetated. Operations at ready-mix concrete facilities are seasonal and this may also explain a higher TSS value during months when operations are more intensive. If elevated TSS levels return this summer, you will want to review your operations for sources of TSS and amend or add BMPs to address this pollutant.
- **There is no secondary containment around liquid storage tanks.** In particular, this deficiency was noted for the used oil tank and the tote containing the chemical used during cement truck and chute washdown. Both of these vessels are stored outdoors. Secondary containment is recommended around all tanks, containers and vessels that store liquids. We did note a bucket was placed under the spigot of the tote containing the chemical used during truck and chute washdown. We also noted that improvements were made to the washout pit and it appears to be containing all washwaters.
- **The used oil tank was not labeled.** Please be aware that regulations administered through our Division of Hazardous Waste Management (DHWM) require vessels that store used oil to be labeled "Used Oil". It is also important to label containers so that an appropriate response can be taken if and when a spill occurs. Please label all liquid storage vessels to identify their contents. The SWP3 must list all materials present on your site, including these liquids.
- **A mop which appears to have been used to clean up spilled oil, was observed by the used oil tank.** This mop is a storm water pollutant source and should not be stored outdoors. Please relocate the mop such that it is not exposed to storm water.
- **There is no spill kit near the used oil tank and the fuel tanks near the used oil tank.** Spill kits should be located near areas where they are likely to be needed. Please place

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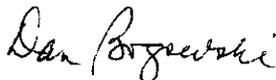
a spill kit in this area. The spill kit should be labeled so that it can be quickly identified in the case of emergency. We noted the spill kit (bucket of oil absorbent) by the main fueling station was not labeled.

- **There are no BMPs to prevent or minimize the discharge of sediment in runoff associated with stockpiles of erodible materials.** Sand piles are located adjacent to the Black River. Sediment and erosion controls must be implemented to prevent or minimize the discharge of suspended solids to the Black River. Measures may include establishment of a sediment basin, containment berm, or covering erodible materials with tarps. We also noted that the sand pile was placed along the river while the aggregate pile was placed upland from the sand. It may be possible to establish control by reversing the placement of these piles such that the aggregate (which is generally not erodible) acts as a barrier between the sand and the river.

Please provide me with a letter of response, indicating the actions you will take to address the violation and storm water pollution concerns noted above. Include the date action was taken or will be completed. Amend the SWP3 as required and provide me with a copy. Your response should be received **by February 11, 2011**.

If you have any questions, please contact me at (330) 963-1145.

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Ed Keaton, Neff & Associates
Dale Vandersommen, Storm Water Program Manager, City of Lorain
Bart Ray, Ohio EPA, DERR, NEDO
Ed D'Amato, Ohio EPA, DHWM, NEDO
Eric Adams, Ohio EPA, DDGW, NEDO

ec: John Gale

TERMINAL READY-MIX INC.
City of Lorain Lorain County

Photographs Taken: January 6, 2011
By: Dan Bogoevski, DSW, NEDO



Fig 1 & 2. Salt stockpiles along the Black River are exposed to precipitation. A berm of sand and stone has been installed between the salt piles and the river.



Fig 3 (LEFT). There are no sediment controls around the stockpile of sand. The pile is located adjacent to the Black River.

Fig 4 (RIGHT). There is no secondary containment around fuel oil tanks and the waste oil tank (green tank behind Fuel Oil tank). The used oil tank is not labeled.

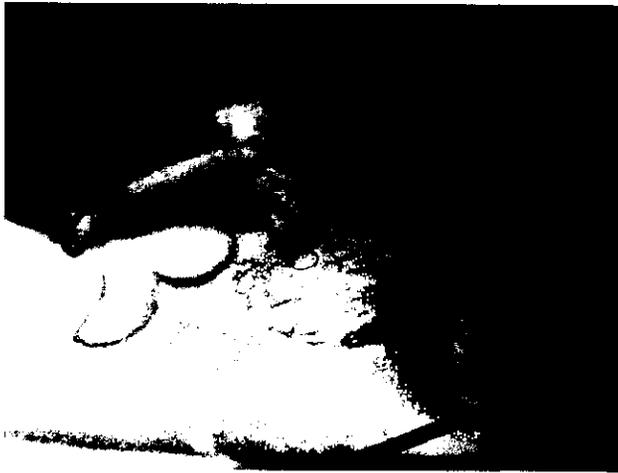


Fig 5 (LEFT). A mop used to clean up used oil is stored outdoors next to the used oil tank.



Fig 6 (RIGHT). The embankment of the cement washout pit has been improved and washwater is being contained to the site.

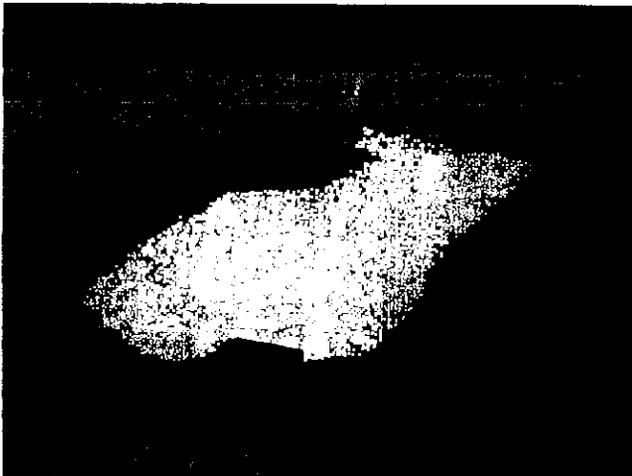
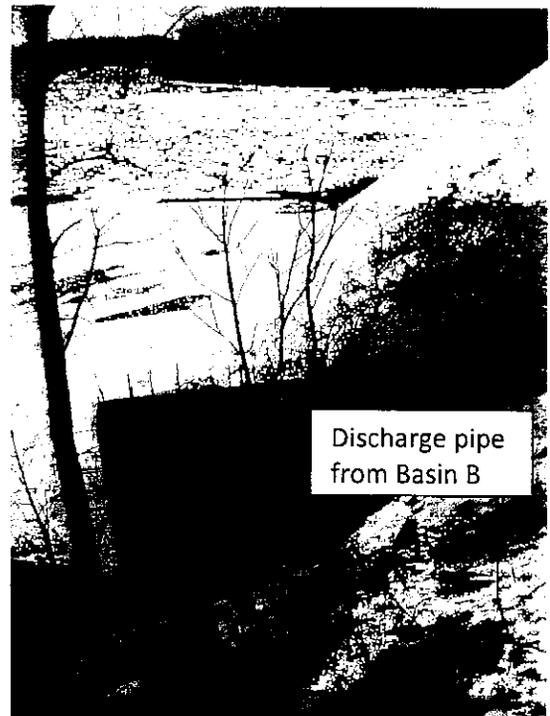


Fig 7 & 8. The discharge pipes from both Detention Basin A & B stop short of the Black River. Runoff from both basins flows across the material storage area before discharging to the Black River. The photo on right shows the discharge pipe from Detention Basin B (above). Note that runoff flows in close proximity to the salt pile.



Discharge pipe
from Basin B