



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

May 7, 2009

RE: WAYNE COUNTY
CERCO LLC
3IN00005

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Bill Laffere
453 W. McConkey Street
Shreve, Ohio 44676

Dear Mr. Laffere:

On April 8, 2009 this writer, accompanied by Phil Rhodes of this office met with you to conduct an inspection of your facility. The intent of the inspection was to gather information required to renew your National Pollutant Discharge Elimination System (NPDES) permit which expired on November 30, 2008. Below are our findings and recommendations from the inspection:

- 1) The NPDES permit for this facility expired on November 30, 2008. At the time of the site inspection, you indicated the NPDES renewal application was in the process of being prepared. To date, this office has not received your NPDES permit renewal application. Your facility is discharging to waters of the State without an effective NPDES permit. Please be aware, discharging to waters of the State without an effective NPDES permit is a violation of the Ohio Revised Code (ORC) Chapter 6111 and subject to enforcement actions. You must submit the renewal permit to this office within 21 days from the date of this letter. Once this office receives your NPDES renewal application, a draft NPDES permit will be public noticed. You will have 30 days from the date of the public notice to submit written comments to Ohio EPA concerning the draft permit.
- 2) The industrial process water drains through a series of drains which discharge to a pond system located on the south side of the building. The ponds are situated in series which allows the process wastewaters and sediments to settle out of solution. The picture below shows the influent to the pond #1.



Mr. Bill Laffere
CerCo LLC
May 7, 2009
Page 2

- 3) The ponds had a significant amount of algae growth present. The ponds are cleaned out periodically with the sludge/sediments piled in a staging area near the sidewall of the first pond. The sludge dries out and is hauled off site by a recycler.
- 4) The outlet from the second pond to the final outfall was covered in weed growth (see picture below). You indicated the outlet pipe would be cleared of the weed growth as soon as possible. The pond cleanout schedule was also discussed at the time of the inspection. We recommend Pond #1 be cleaned out as soon as possible. You indicated Pond #1 was scheduled to be cleaned out the week of the inspection.



- 5) The facility discharges to the Shreve Run. The final outfall was clear but had some foam present with a slight septic odor present. The foam could be seen in the small tributary. This is a violation of your NPDES permit, Part III, Item 2 (B).
- 6) During the inspection, it was noted that there is a flocculant additive introduced to the interior floor drains to aid and keep the drains clear of settled deposits. The flocculant added to the interior drain system must have the MSDS sheets kept on file at your facility and a copy should be submitted to our office. In addition, provide this office with an updated copy of the process line drawing which shows the flocculant additive application points. This material should also be identified in your NPDES permit renewal application.
- 7) The facility is currently covered under a General Industrial Storm Water Permit. This coverage was obtained on 8/7/06. You have agreed to include the storm water language in your individual NPDES permit to provide storm water coverage and eliminate the need for two separate permits at this facility. Once the individual NPDES permit is effective, you will need to terminate the General Industrial Storm Water Permit. To terminate the General Permit, you will need to submit the Notice of Termination (copy enclosed) to our Central Office at:

Ohio EPA
General Permit Program
PO Box 1049
Columbus, OH 43216-1049

- 8) Your individual NPDES permit will include Parts 4, 5 and 6 which contain the same requirements of the General Storm Water Permit which the facility is operating under. A Storm Water Pollution Prevention Plan (SWP3) must be developed for the entire facility (interior and exterior operations) and must include Best Management Practices for your site, Spill Prevention and Response, and any other waste handling and site management practices that would be best fit for your site. In addition, records keeping is also an important aspect of the SWP3.

Your General Storm Water Permit required you to develop a SWP3 within six months of obtaining the permit. To date, this has not been completed and is a violation of this permit. As such, the Individual NPDES permit to be drafted by this office will include a compliance schedule requiring you to complete the SWP3 within 3 months from the effective date of the permit.

- 9) There were bulk sacks of raw powder alumina located on the south side of the building (see picture below). You indicated these were temporary storage areas. The bulk sacks were located on pallets but were not provided with spill containment or overhead cover. Drains were located adjacent to these storage areas. The effluent points to these drains were not confirmed at the time of the inspection. You informed this office that some of the drains discharged to the pond system and some discharged to the Shreve Run. You also indicated that you were completing dye testing to locate the exact point of discharge for these drains.



- 10) There was extra equipment and material stored on the south and west side of the building. This equipment consisted of materials used in the manufacturing process and some fuel storage. There was a small metal storage shed that was used for storage of fuel and equipment. However, the shed was full at the time of the inspection. There was also extra equipment and material stored behind the hazardous storage area (see picture attached). This area was the location of the "bubble building" which we understand had blown over in a storm event which occurred over six years ago.

Mr. Bill Laffere
CerCo LLC
May 7, 2009
Page 4



Due to the nature of the extra equipment and material stored at your facility, it is our recommendation that this material be moved to a storage building. It is our recommendation that more outdoor storage be a priority at this site.

This office is recommending that you move any equipment and materials leaking fluids under cover and provide spill containment or properly dispose to a facility certified to accept this equipment. This work is expected to be completed within a reasonable timeframe but no later than 30 days from the date of this letter. As such, you are directed to complete this work no later than June 11, 2009.

- 11) The drain located near the exterior hazardous waste storage area frequently floods with rainwater. At the time of the inspection, the below grade containment drain was full of storm water and must be pumped and properly disposed. You indicated that the erosion around the drive located adjacent to the storage area is the cause of the storm water. It is our understanding you plan to get this roadway reinforced with asphalt, concrete or any other type of medium that would provide a positive means of directing the water away from the storage area.

Once the final NPDES permit application is submitted to our office, a follow up inspection will be conducted by our office. If you have any questions or comments regarding this letter, please contact this office at (330) 963-1299.

Respectfully,

Laura A. Weber, P.E.
Environmental Engineer
Division of Surface Water

LAW/mt

enclosure

cc: Wayne County Health Department

File: Industrial/Permit Compliance/CerCo LLC

Discharge Monitoring Violations

Reporting Period	Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
March 2007	001	00530	Total Suspended Solids	1D Qty	26.7	49.0157	3/7/2007
March 2007	001	00530	Total Suspended Solids	30D Qty	17.8	28.6713	3/1/2007
September2008	001	00400	pH	1D Conc	9.0	9.88	9/3/2008

Frequency Violations

Reporting Period	Reporting Code	Parameter	Sample Frequency	Expected	Reported	Violation Date
February 2007	50050	Flow Rate	1/Week	1	0	02/01/2007
July 2007	50050	Flow Rate	1/Week	1	0	07/22/2007
June 2008	50050	Flow Rate	1/Week	1	0	06/22/2008
August 2008	50050	Flow Rate	1/Week	1	0	08/22/2008

7007 2680 0002 2986 7381

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To

.....
*Street, Apt. No.,
or PO Box No.*

.....
City, State, ZIP+4