



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Rd.  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.state.oh.us

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

Re: Henry County  
Universal Cooperatives  
NPDES  
Notice of Violation

April 14, 2009

Mr. Michael Odeh  
Operations Manager  
Universal Cooperatives, Inc.  
P. O. Box 471  
Napoleon, Ohio 43545

Dear Mr. Odeh:

On March 9, 2009, a scheduled pre-permit inspection was conducted at Universal Cooperatives, Inc., facility in Napoleon, Henry County. Dana Martin Hayden, and Ryan Gierhart represented the Ohio EPA. You and Allan Wilson were present and provided information on operation and maintenance of the facility. Our inspection included a tour of the facility.

According to your National Pollutant Discharge Elimination System (NPDES) permit renewal application, Universal Cooperatives formulates and packages pesticides. Considering all of the pesticides you are required to monitor in your permit you continue to have 2, 4 D and Malathion on site. Pesticides discontinued as products on site include: Aldrin and Dieldrin more than 30 years ago, Diazinon greater than 10 years ago and Chlorpyrifos within the last ten years. Your current NPDES permit covers the storm water pond's effluent discharge to Henry County Ditch No. 1518. Under your permit you are required to sample the water in the storm water retention pond prior to discharging the wastewater. If you detect any one of the six (6) pesticides listed above that were historically or currently used on site, you are not allowed to discharge the wastewater.

From our review of your discharge monitoring reports (DMR) s, it appears that you have only met this condition once over the past five (5) years. Please see the attached summary of violations. It appears from your data that you frequently discharge your wastewater at the same time you sample for pesticides. Your reports do not indicate that you resampled the outfall to confirm that pesticide levels decreased below detection before you discharged. Regardless of pesticide results that are greater than detection you discharge wastewater to the stream.

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You are in violation of discharging pollutants above your NPDES permit Part I, A, table 001 requirements for all the dates listed in the attached document.

In addition, you are not recording the flow value for every discharge. It appears that you take an oil and grease, phosphorous or Total Suspended Solids sample on various days without recording the flow data for these days. You are in violation of your NPDES permit for not reporting daily flow values. Finally, our review of your chain of custody forms did not list a signature, name of the operator or time the sample was taken and transferred to the lab.

During our inspection we observed your secondary containment structures that were installed in the late 1970's. The plans for the structures show that there are three 6" under drains located under the platform of the secondary containment structures which tie into a sump which is 18" in diameter and 3' deep. The plans show a 10 ml vinyl barrier between the drains and the soil. The sump does not appear to have the vinyl barrier. The plans specify the following:

"6" under drains will drain all liquids into sumps within the pit walls. Only storm waters will be pumped, using, a portable pump into the storm sewer. Contaminated water will be pumped into drums and taken to a treatment facility for disposal. Samples of the sump liquids will be taken and tested to determine the best method of disposal to protect the environment. An alternate method will be to pump contaminated water through the activated carbon and crushed limestone filter. The filtered water will be discharged into a nearby catch basin."

The night before our visit heavy rainfall occurred in the Napoleon area. The secondary containment structures were full of storm water, had severe cracking of the platforms, large gaps between the walls and platform, and dispersed fragments of ineffective synthetic liner material and a very thick layer of sediment. It was noted that the facility plans to seal the concrete around the containment area.

You informed us that the operator that usually operates the portable activated carbon unit was off for the day and there was not another employee at the facility that knew how to operate the treatment system. The activated carbon unit is portable and is an approximately 3' by 3.5' feet deep drum with an inlet and outlet pipe that is connected to a portable pump. There was no filter to prevent the solids in the secondary containment from entering the activated carbon unit. Therefore, solids can plug the activated carbon system and prevent the adsorption treatment. You informed us that the activated carbon is replaced twice a year.

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It is our understanding that no breakthrough contaminant monitoring takes place to ensure the carbon is not plugged or fowled and still effective. From these observations, we conclude that your treatment system and your operating procedures will need to be upgraded.

We were told that the wastewater from the secondary containment is pumped through the unit and then discharged either back into the secondary containment structures or into the storm sewers. On the day of our visit the storm sewers were at the same hydraulic elevation as the secondary containment structures. As you hypothesized during our inspection, these two structures appear to be hydraulically connected. There is concern that ground water and the secondary containment waters may migrate to the storm sewer. A railroad which is located approximately 20' south of the secondary containment area may provide a hydraulic head into this area.

The storm sewers are filled with sand and are not maintained. The storm water discharge pipe into the final storm water pond was discharging during our visit because the shear gate at MH #4 in the storm sewer was not working. The facility is unable to open or close the gate. The purpose of the gate is to be able to prevent flow from leaving the storm sewer and draining into the final pond in the event of a spill. The sluice gate is believed to be almost closed based on high water level in the storm drains and the low flow entering the pond.

During our visit, there was no discharge from the storm water retention pond. A current Organic Pollutant Management Plan was not observed on site. You are in violation of Part II L of your current NPDES permit 21F00019\*ED. An Organic Pollutant Management Plan needs to be kept onsite for review and should be updated every three years.

We are currently processing your NPDES permit application. Please review the draft NPDES permit renewal carefully to ensure that violations do not continue during the next permit cycle. Until your NPDES permit renewal is final, you are required to follow the requirements set forth in your current NPDES permit. As stated in your NPDES permit, you may not discharge wastewater from your storm water pond if you have detected any of the pesticides listed in your permit.

Immediate action items for your facility to address are the following:

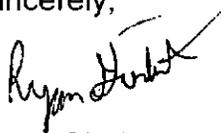
1. Immediately clean out the storm sewers and repair the shear gate to allow the isolation of spill events from water in the final storm water pond.

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2. Adopt best management practices that will allow you to operate the activated carbon unit more effectively. (i.e. sample wastewater treatment system for breakthrough pesticides to make sure the carbon is not spent)
3. Prepare a Permit to Install (PTI) and detail plans and application and submit to Ohio EPA for upgrading the activated carbon system to include solids separation and the inclusion of a redundant activated carbon unit to address breakthrough issues.
4. Train additional personnel to operate the waste water treatment system and know what steps to take to isolate the storm water pond from spills.
5. Investigate hydraulic connectivity issues that may be present between the storm water sewers and the secondary containment structures. Discuss with engineer possible upgrades to isolate storm sewer system from ground water such as pipe lining technologies. Explore benefit of coating the containment area and sumps with a liner as budgeted.
6. Update your organic management plan as required under your current NPDES permit Part II, L.

If you have any questions, please call Ryan Gierhart at (419) 373-3053 or Dana Martin-Hayden at (419) 373-3067.

Sincerely,



Ryan Gierhart  
Division of Surface Water



Dana Martin-Hayden  
Division of Surface Water

/llr

pc: ~~DSW-NWDO-File~~  
Colleen Weaver, DHWM, NWDO