



**Environmental  
Protection Agency**

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

June 30, 2011

RE: Mahoning County  
V & M Star  
NPDES Permit No. OHC000003  
Ohio EPA Permit No. 3GC04319\*AG  
Construction Storm Water Inspection

Mr. Jeff Bindas  
V & M Star  
2669 Martin Luther King, Jr. Blvd  
Youngstown, Ohio 44510

Mr. Chuck Shasho  
City of Youngstown - Engineering  
5th Floor, City Hall  
26 South Phelps Street  
Youngstown, Ohio 44503

Dear Mr. Bindas and Mr. Shasho:

On June 1, 2011, Ohio EPA conducted a storm water inspection at V & M Star, located at 2669 Martin Luther King, Jr. Blvd, City of Youngstown, Mahoning County (site). I was accompanied by Michelle Hummel and Tim McParland of Ohio EPA. The site was represented by Jeff Bindas, V & M Star; Kedar Bhide of the City of Youngstown; Steve Cianciolo and Joseph Mook of Howland Company, LLC; and Jacquelyn Workman of Phi Environmental Consulting. 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. 3GC04319\*AG.

Storm Water Inspection

**A. V & M Star**

- The dewatering skimmers that have been installed on the sediment basins and appear to be functioning correctly;
- Inspection records are being maintained in accordance with Part III.G.2.i of the General Storm Water Permit;
- A soil stockpile area was documented at the truck plant south extension that has not been included on the site's SWP3 (Figure 1). In addition, no best management practices (BMP) have been implemented to prevent erosion and the discharge of sediment to "surface waters of the State." Via

a June 3, 2011 email from Howland Company, LLC to Ohio EPA, the site's SWP3 has been revised to address the truck plant south extension soil stockpile area. In addition, Aker-Kvaerner was instructed to stabilize the truck plant south extension soil stockpile area and/or install silt fence;

- Part III.G.2.b.i of the General Storm Water Permit requires temporary stabilization to be performed on any disturbed areas that will be dormant for more than twenty-one days and not within fifty feet of a "surface water of the State" within seven days of the most recent disturbance within the area. The soil stockpile referred to as "Mount Russel" appears to satisfy the requirements for temporary stabilization. Temporary stabilization has not been performed on the soil stockpile as it was expected to be relocated to an offsite soil disposal area. Unfortunately, the previously selected offsite soil disposal areas never finalized. During a June 29, 2011 telephone conversation, Ms. Workman stated that the soil stockpile was expected to be relocated as soon as a storm water pollution prevention plan (SWP3) has been developed by the City of Youngstown for the final soil disposal site. Ms. Workman stated that she had heard the SWP3 for the final soil disposal site has been completed, but had not yet seen a copy. A copy of the final soil disposal site's SWP3 must be forwarded to my attention upon its completion for review. In addition, if relocation activities are not planned to occur by July 15, 2011, temporary stabilization of the soil stockpile must be initiated; and
- Part II.A of the General Storm Water Permit requires if more than one operator will be engaged at a site, each operator shall seek coverage under the General Storm Water Permit. Where one operator has already submitted an NOI prior to other operator(s) being identified, the additional operator shall request modification of coverage to become a co-permittee. In such instances, the co-permittees shall be covered under the same facility permit number. No additional permit fee is required.

After a review of Ohio EPA records, it does not appear that all operators for the site have obtained General Storm Water Permit coverage. Part VII.O of the General Storm Water Permit defines "operator" to mean any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with an SWP3 for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

During previous conversations, it was Ohio EPA's understanding that Stevens was replaced by Aker. When Ohio EPA inquired about the co-permittee status of Aker, Aker informed Ohio EPA that, due to existing contract language, Aker is not an operator as it is instructed by Integrated Project Resources (IPR) to perform maintenance and installations of BMPs.

It appears that IPR is an operator of the site and must obtain coverage under the General Storm Water Permit as co-permittees. In order to obtain co-permittee coverage, each additional operator, must submit a "Co-Permittee NOI application form." For your convenience, the "Co-Permittee NOI application form" and the "Co-Permittee NOI application instructions" can be obtained from the following website:

<http://www.epa.ohio.gov/dsw/storm/stormform.aspx>

During a previous meeting with Tina Hertzell of IPR, Ohio EPA was informed that the co-permittee issue was to be reviewed by IPR's attorney. As of the date of this correspondence, Ohio EPA has not received a co-permittee NOI application or information detailing why IPR is not considered a operator. By July 14, 2011, IPR must submit one of the following items to Ohio EPA for review:

1. A "Co-Permittee NOI application form" in accordance with the "Co-Permittee NOI application instructions;" or
2. Information detailing why IPR is not to be considered as an operator of the site and thus not a co-permittee.

#### **B. Roger Lindgren Way**

- Part III.G.2.h of the General Storm Water Permit requires that all sediment control practices must be maintained in a functional condition until all up slope areas they control are permanently stabilized. Inlet protection was documented as not being functional. Via a June 7, 2011 email from the City of Youngstown to Ohio EPA, the inlet protection has been replaced;

- Part III.G.2.g.i of the General Storm Water Permit requires that no solid or liquid waste, including building materials, to be discharged in storm water runoff. Numerous 55-gallon drums containing curing compound were documented on their side or stored in areas where potential pollutants are exposed to precipitation events (Figures 2 to 3). Via a June 7, 2011 email from the City of Youngstown to Ohio EPA, the opened 55-gallon drums of curing compound have been relocated under the State Route 711 bridge and/or covered with plastic tarps;
- Part III.G.2.g.ii of the General Storm Water Permit requires that off-site vehicle tracking of sediments and dust generation shall be minimized. The off-site tracking of sediment was occurring in numerous locations where construction vehicles travel from Roger Lindgren Way to the disturbed soils adjacent to the roadway (Figures 4 to 5). Properly designed construction entrances must be installed to prevent the tracking of sediment into the roadway's storm sewer system. Via a June 7 email from the City of Youngstown to Ohio EPA, construction entrances have been constructed in "pull of areas" for vehicles;
- Part III.G.2.g.i of the General Storm Water Permit requires that no solid or liquid waste, including building materials, to be discharged in storm water runoff. Solid waste materials were observed on the ground in numerous locations (Figure 6). BMPs must be implemented to prevent the potential discharge of pollutants from the stockpiled solid waste. Ohio EPA recommends the use of covered dumpsters be utilized. Please be aware that precipitation that contacts solid waste is considered a leachate and must managed and disposed of properly;
- Part III.G.2.g.i of the General Storm Water Permit requires that no solid or liquid waste, including building materials, to be discharged in storm water runoff. Under no circumstance shall concrete trucks wash out directly into a drainage channel, storm sewer or "surface waters of the State." Concrete washout must occur within a concrete washout pit that has been installed in a contained location to prevent the discharge of pollutants to "surface waters of the State" (Figures 3 and 7);
- Part III.G.2.b.i of the General Storm Water Permit requires temporary stabilization to be performed on any disturbed areas within 50 feet of "surface water of the State" and not at final grade within two days of the most recent disturbance if the area will remain idle for more than twenty-one days. In addition, any disturbed areas that will be dormant for more than twenty-one days and not within fifty feet of a "surface water of the

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State" must be stabilized within seven days of the most recent disturbance within the area. Portions of the project located between the Mahoning River and Roger Lindgren Way appear to require temporary stabilization; and

- Part III.G.2.i of the General Storm Water Permit requires that all controls on the site are inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. Copies of the inspection reports were unavailable during the inspection. Please forward copies of the inspection reports that have been maintained for the month of June 2011..

Ohio EPA will re-inspect the site in approximately two weeks to verify that the site is in compliance with the General Storm Water Permit. Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118 or via email at [chris.moody@epa.ohio.gov](mailto:chris.moody@epa.ohio.gov).

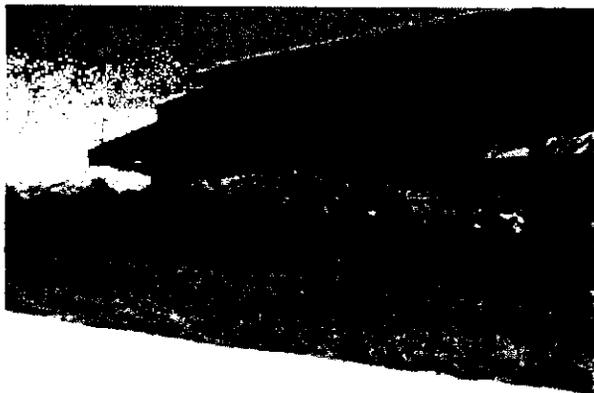
Sincerely,



Chris Moody  
Environmental Specialist II  
Division of Surface Water

cc: Mayor and Council, City of Youngstown  
Parella-Pannunzio Inc.

ec: Jeff Bindas  
Tina Hertzal, Integrated Project Resources  
Joe Mook, Howland Company LLC  
Steve Cianciolo, Howland Company LLC  
Jacquelyn Workman, Phi Environmental Consulting  
Chuck Shasho, City of Youngstown  
Kedar Bhide, City of Youngstown  
John Pierko, MS Consultants  
Brian Hughes, MS Consultants  
Sean Conrad, MS Consultants



**Figure 1** - A soil stockpile area was documented at the truck plant south extension that has not been included on the site's SWP3.



**Figure 2** - Numerous 55-gallon drums containing curing compound were documented on their side or stored in areas where potential pollutants are exposed to precipitation events.



**Figure 3** - Numerous 55-gallon drums containing curing compound were documented on their side or stored in areas where potential pollutants are exposed to precipitation events.



**Figure 4** - Properly designed construction entrances must be installed.



**Figure 5** - Properly designed construction entrances must be installed.



**Figure 6** - Solid waste materials were observed on the ground in numerous locations.



**Figure 7** - Solid waste materials were observed on the ground in numerous locations.