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WOOD	HARTUNG BROTHERS TANK FARM	2GC01423	2009/09/15	TEBBE, PATRICIA	BOWLING GREE
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State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Re: Wood County  
Hartung Brothers Tank Farm  
Industrial NPDES

CERTIFIED MAIL

September 15, 2009

Mr. Dan Hartung  
708 Heartland Trail, Suite 2000  
Madison, WI 53717

Dear Mr. Hartung:

On Friday, August 14, 2009, I received a complaint concerning the discharge from the Hartung Brothers Tank Farm (HBTF) in Bowling Green to the Gypsy Lane Rd ditch. At approximately 2:30 pm on August 14, 2009, I investigated this complaint and verified that the discharge from HBTF was septic with obnoxious odors. This discharge was causing the water in the ditch to turn black and an accumulation of sludge in the ditch. This discharge was also impacting the North Branch Portage River, which is approximately 0.15 mile east of the discharge point.

I then went into the HBTF facility and met with Mr. Neil Schilling, Sales Manager. Mr. Schilling went with me to look at the storm ponds and stone pond. The storm ponds along the east side of the facility were septic and discharging. The inside stone pond was green with algae and had an aerator. Mr. Schilling stated that there was not a discharge from the stone pond, that the discharge pipe was valved and not opened unless sample results were acceptable. During this inspection I also made the following observations:

- dirt piles from construction that did not have appropriate stabilization
- sludge dumped on the west side of the stone pond
- a new inlet into southwest end of the stone pond
- a pit dug which was full of cucumbers, rocks, and water which I understood was from truck washout;
- a pump and hose at the southeast corner of this pit; I understood that this pit was dewatered into the storm ponds
- dirt on the asphalt going to a catch basin from the dirt piles that were not properly stabilized
- white staining on the asphalt several feet outside of the bermed tank areas
- spillage from the tanks onto the area outside of the bermed containment
- a salt storage shed with salt spilled outside of the shed and white staining on the asphalt in front of the shed

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At the end of my inspection I told Mr. Schilling that this discharge needed to be stopped and I advised him to notify his home office to report this discharge and that I had made an inspection.

On August 17, 2009, I checked the HBTF discharge into the Gypsy Lane ditch early in the morning. The septic discharge was still occurring and still impacting the Gypsy Lane ditch and the North Branch Portage River. Samples of the HBTF facility discharge were taken by personnel from Ohio EPA at 9:30 am on August 17, 2009. Results from those samples are as follows:

- CBOD5 - 230 mg/l
- Total Dissolved Solids - 11100 mg/l
- Total Suspended Solids - 36 mg/l
- Chloride - 5170 mg/l
- Conductivity - 15119 uS/cm
- Dissolved Oxygen - 0.03 mg/l
- pH - 7.49 S.U.

On Tuesday, August 18, 2009, I conducted another inspection of the HBTF facility along with Dave Schilt, Ohio EPA, DERR and Brent Goetz, Ohio EPA, DSIWM. We met again with Mr. Schilling. Observations from this inspection include the following:

- spillage outside of the bermed areas onto the asphalt;
- the level of the stone pond was several feet higher than the level observed on August 14, 2009;
- hoses and a pump were observed on the southeast corner of the stone pond;
- the level of the southernmost storm pond was much lower. We were told that water from this storm pond had been pumped into the stone pond;
- stone from around the outside of the catch basin for the southernmost pond, was removed. This stone was to control the discharge flow from the pond;
- all three storm ponds were septic;
- brown scum was present on the surface of the stone pond;
- two totes that contained or did contain vinegar were placed on the northern end of the stone pond with the valves toward the pond;
- sludge had been dumped in several places outside of the fence on the bank of the northernmost storm pond;
- foam from the brine tanks was blowing onto the asphalt outside of the bermed areas;
- dirt areas on the western side of the facility, inside the fence, had not been properly stabilized;
- litter had blown outside the fence along the east side of the property;
- pipes from the parking area discharged directly into the storm ponds, black muck was found inside these pipes;

On Wednesday, August 19, 2009, I met with Bill Fecht, Shed Manager, Jeff Schlicher, Tank Yard Manager, Dan Ohms, Tank Yard Assistant Manager and Mike Maringer, Consultant with IFM at the HBTF facility. We discussed the drainage plan of the facility, where discharges went, and proper sampling points for the National Pollutant Discharge Elimination System (NPDES) permit. Mr. Fecht also showed me the truck washout area. My observations from this inspection include the following:

- discharge was very turbid and still impacting the Gypsy Lane ditch and the North Branch Portage River with septicity and odors;
- tanks were very foamy with the foam blowing onto the unbermed area;
- I was informed that all wash water goes to the City of Bowling Green wastewater treatment plant. However I observed flow from the washwater going to catch basins that discharge to the storm ponds;
- vines and other greenery are captured from the wash water with screens and put into a truck trailer for disposal, water from the trailer was discharging to a catch basin that discharges to the storm pond;

Discharges from the HBTF facility were also observed impacting the Gypsy Lane Rd ditch and the North Branch Portage River on August 28, September 4, and September 9.

On Monday, August 17, 2009, Mike Gerber, Ohio EPA, DERR responded to a spill reported from the HBTF facility. A notice of violation was issued to the HBTF facility as it was found in violation of water pollution statute 6111.04 by allowing septic material to flow into a tributary of Portage River which is waters of the state.

HBTF was ordered to stop the migration of septic liquid into the waterways, to remove all septic material from the tributary and on site ditch, properly dispose of all waste generated in accordance with state and local laws and regulations and to provide Ohio EPA with all documentation on the clean-up.

The Bowling Green HBTF holds an NPDES permit for the discharge of only storm water from its facility. All spills or leakage from the tank farm and or contaminated storm water is to be collected and disposed of at a wastewater treatment facility and not discharged to waters of the state. This facility has received an indirect discharge permit from the City of Bowling Green to discharge, with limits, to the city sewers. This facility is regulated under 40 CFR 407 and the NPDES permit contains an internal and an external outfall.

Violations of the NPDES permit (2IH00114) include but are not limited to:

1. Part I.A Discharge of 11,100 mg/l of Total Dissolved Solids on August 17, 2009 when the limit for this parameter is 1500 mg/l.
2. Part II.A. Location of sampling is not according to locations described in permit.
3. Part II.F. Process wastewater and/or contaminated stormwater was discharged and not collected and appropriately disposed.
4. Part III.2.A. The effluent caused sludge deposits to form in the stream.

5. Part III.2.C. The effluent altered the natural color or odor of the receiving water to such degree as to create a nuisance.
6. Part III.2.E. The effluent created conditions that were unsightly, or constitute a nuisance in any other fashion.
7. Part III.2.F. The effluent impaired the designated in stream or downstream water uses.
8. Part III.3.A. The wastewater treatment works were not operated in a manner consistent with the requirements of the permit including appropriate quality assurance procedures.
9. Part III.3.B. All wastewater treatment works were not operated in such a manner that the permittee effectively monitored the operation and efficiency of treatment and control facilities and the quantity and quality of the treated discharge.
10. Part III.5. Samples and measurements taken as required by the permit were not representative of the volume and nature of the monitored flow.
11. Part III.11.A. Bypassing or diverting of wastewater from the treatment works.
12. Part III. 12.A.1. The permittee did not report by telephone noncompliance of the permit which endangered the environment.
13. Part III. 12.A.3. The permittee did not report by telephone an upset which exceeded any effluent limitation in the permit.
14. Part III. 12.A.4. The permittee did not report by telephone any violation of a maximum daily discharge limitation for total dissolved solids.
15. Part III.14. The permittee did not take all reasonable steps to minimize or prevent any discharge in violation of the permit which had a reasonable likelihood of adversely affecting the environment.
16. Part III.15. The permittee did not ensure that all discharges authorized by the permit were consistent with the terms and conditions of the permit.
17. Part III.16.A. The permittee did not report to the Ohio EPA Northwest District Office a significant change in character of the discharge in advance of any planned changes in the permitted facility or activity.
18. Part III.16.C. The permittee did not report to the Ohio EPA Northwest District Office proposed facility expansions, production increases, or process modifications, which result in new, different or increased discharges of pollutants.
19. Part IV. A.1 The permittee did not develop a storm water pollution prevention plan for this facility (a) within six months of the effective date of the permit and updated as appropriate; (b) provide for implementation and compliance with the terms of the plan within twelve months of the effective date of the permit.
20. Part IV.B.2. When asked for a stormwater plan the permittee was not able to present such plan.
21. Part IV.D.3. The permittee did not implement storm water management controls.
22. Part IV.D.3.d. The permittee did not provide qualified facility personnel to inspect designated equipment and areas of the facility. Nor were records of inspections maintained.
23. Part IV.D.3.f. The permittee did not provide records of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges.

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24. Part IV.D.3.g. The permittee did not certify that their discharge has been tested or evaluated for the presence of non-storm water discharges. The permittee did not identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water components of the discharge.
25. Part IV.D.3.h. The permittee did not limit soil erosion at the facility.
26. Part IV.D.8. The permittee did not limit exposure of salt piles to precipitation.

Violations of the NPDES Construction General Permit (2GC02232\*AG) include but are not limited to:

1. Part III.G.2.b.i. All areas of this site that had been disturbed during construction have not received permanent stabilization.
2. Part III.G.2.e. Post construction controls have not been maintained..

Please inform this office in writing, within 10 days of receipt of this letter, as to the description of the actions taken or proposed to prevent further violations of this nature. Your response should include the dates, either actual or proposed, for completion of the actions as well as a description of all actions that led to these violations.

If you have any questions, please contact me at 419-373-3016 or by e-mail at [patricia.tebbe@epa.state.oh.us](mailto:patricia.tebbe@epa.state.oh.us).

Sincerely,



Patricia A. Tebbe, P.E.  
Division of Surface Water

/lb

pc: DSW-NWDO file  
follow-up file  
Kristin Tillison, Wood County Health Department  
Kevin Maynard, City of Bowling Green  
7007 2560 0000 4479 2469

ec: Brent Goetz, OEPA, DSIWM-NWDO  
Mike Gerber, OEPA, DERR-NWDO  
Dave Schilt, OEPA, DERR-NWDO