



**Environmental  
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

December 1, 2011

RE: MAHONING COUNTY  
YOUNGSTOWN IRON & METAL, INC.  
NPDES PERMIT NO. OHR000004  
OHIO EPA PERMIT NO. 3GR00727\*DG  
INDUSTRIAL STORMWATER INSPECTION

**NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Andy Vargo  
Metalico Youngstown, Inc.  
100 Division Street Extension  
Youngstown, OH 44510

Dear Mr. Vargo:

**Pre-Inspection**

Prior to inspecting Youngstown Iron & Metal, Inc., located at 100 Division Street Extension, City of Youngstown, Mahoning County (facility), Ohio EPA met with Zygmunt "Ziggy" Weglarz of Norfolk Southern at the Norfolk Southern property located northwest of the facility. Floor drains exist within the "Heavy Repair Diesel Shop" that are connected to an oil and water separator (OWS) that is connected to the City of Youngstown sanitary sewer system. Mr. Weglarz stated that the OWS is pumped out regularly on a monthly frequency. Norfolk Southern maintains records that document that the OWS is pumped out by Hepaco-React, LLC. A used oil tank with secondary containment is located within the maintenance building. No oil is stored outdoors.

Ohio EPA documented that no oil was discharging from the Norfolk Southern property during the precipitation event that was occurring at the time of the meeting.

**Facility Inspection**

On November 29, 2011, Ohio EPA performed an inspection at the facility. During the inspection, the facility was represented by Lance Grimes, Manager. I was accompanied by John Kwolek of Ohio EPA's Division of Surface Water. 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. 3GR00727\*DG.

The violations and deficiencies documented within the November 28, 2011, Notice of Violation (NOV) are continuing. Many of the best management practices (BMP) are not functioning correctly (Figure 1) or have not been implemented (Figure 2) to minimize or prevent the discharges of pollutants to "waters of the State." As a result, oil and suspended solids were discharging into "Discharge 2" of the facility (Figures 3 to 4). Mr. Kwolek identified the oil sheen within the perforated pipe that was flowing to "Discharge 2" to Mr. Grimes. The discharges of oil and suspended solids to the Mahoning River were causing the following violations to occur at V&M Star outfall No. 4, refer to the "Post-Inspection" section:

- Ohio Revised Code Chapter (ORC) 6111.04(C) requires that *"no person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so;"*
- Part I.C.3.d of the General Storm Water Permit does not authorize storm water discharges associated with industrial activities *"that would cause or contribute to in-stream exceedances of water quality standards;"*
- Part VII.D of the General Storm Water Permit requires that *"the permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment,"* and
- Ohio Administrative Code Rule 3745-1-07(A) and (B) requires that all surface waters of the state, including mixing zones, shall be *"free from suspended solids or other substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life"* and *"free from floating debris, oil, scum and other floating materials entering the waters as a result of human activity in amounts sufficient to be unsightly or cause degradation."*

### **Post-Inspection**

Ohio EPA met with Kristen Malosh, EHS Manager, and Amy Paff, Senior Environmental Specialist, of V&M Star to inspect outfall No. 4 and to discuss the remedial activities associated with the recently unclogged storm sewer. Oil and suspended solids were observed to be discharging from outfall No. 4 into the Mahoning River (Figures 5 to 8).

### **Corrective Actions**

In order to address the above violations, the corrective actions detailed within the November 28, 2011 Ohio EPA NOV must be implemented. In addition, appropriate

BMPs must be immediately implemented to address the discharge of suspended solids from the facility.

In the event that the above violations do not get resolved and significant improvement is not made in the implementation BMPs at the facility, Ohio EPA will pursue formal enforcement, whereby violations of ORC 6111 are punishable by fines up to \$10,000 a day per violation.

A written report must be submitted to Ohio EPA within fourteen (14) days of receiving this NOV that details how the violations, detailed above, have been or will be addressed. The written report must also include dates detailing when each corrective action was or will be implemented. Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118 or via e-mail [chris.moody@epa.ohio.gov](mailto:chris.moody@epa.ohio.gov).

Sincerely,



Chris Moody  
Environmental Specialist II  
Division of Surface Water

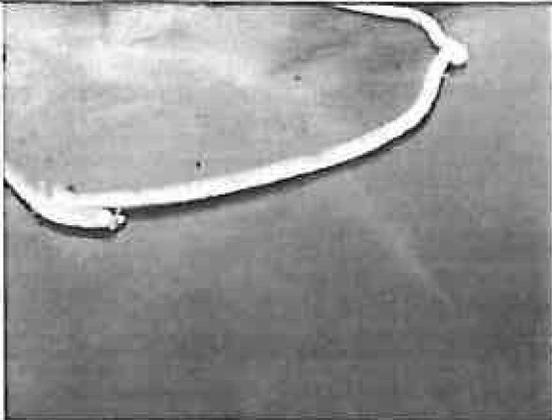
CM/cs

Cc: Chuck Shasho, Deputy Director of Public Works  
City of Youngstown

Ec: John Kwolek, Ohio EPA  
Andy Vargo, Metalico Youngstown, Inc.  
Lance Grimes, Metalico Youngstown, Inc.  
Glenda Brooks, Metalico Youngstown, Inc.  
Thaddeus Suchy, Pretreatment Coordinator  
Kristen Malosh, V&M Star  
Amy Paff, V&M Star  
Chris Ingraham, Norfolk Southern  
Paul Zottola, Norfolk Southern  
Zygmunt Weglarz, Norfolk Southern

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**Figure 1** - Many of the BMPs are not functioning correctly.



**Figure 2** - Many BMPs have not been implemented to minimize or prevent the discharges of pollutants to "waters of the State."



**Figure 3** - Oil and suspended solids were discharging into "Discharge 2" of the facility.



**Figure 4** - Oil and suspended solids were discharging into "Discharge 2" of the facility.



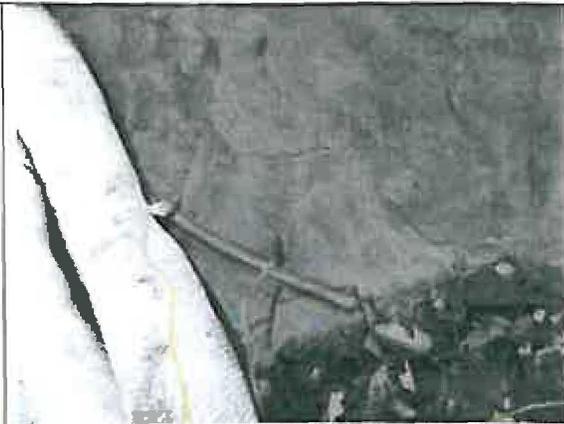
**Figure 5** - Oil and suspended solids were observed to be discharging from outfall No. 4 into the Mahoning River.



**Figure 6** - Oil and suspended solids were observed to be discharging from outfall No. 4 into the Mahoning River.



**Figure 7** - Oil and suspended solids were observed to be discharging from outfall No. 4 into the Mahoning River.



**Figure 8** - Oil and suspended solids were observed to be discharging from outfall No. 4 into the Mahoning River.

