Ohio Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

December 15, 2011

RE: OPERATING RIVER VALLEY RECYCLING
PM MAINTENANCE/COOK RD REAL EST.
OHIO EPA PERMIT NO. 3GV00020
ASHTABULA TWP., ASHTABULA CO.

NOTICE OF VIOLATION

Christopher Altier, Esq.
3503 Carpenter Road
Ashtabula, Ohio 44004

Dear Mr. Altier:

On November 14, 2011, Ohio EPA received your November 10, 2011, letter responding on behalf of Shirley Mauro of P.M. Maintenance / Cook Road Real Estate regarding Ohio EPA's September 26, 2011, site inspection at the above referenced facility. The facility is located at 1919 Cook Road, Ashtabula Township, and is currently owned by Cook Road Real Estate Co., LLC, formerly Peter A. Mauro d.b.a. PM Maintenance (PM). The facility is operated by your tenant as River Valley Recycling which is a scrap metal recycling facility. The purpose of the inspection was to evaluate the facility's compliance status with respect to Ohio Revised Code (ORC) Chapter 6111 and the terms and conditions of the above-referenced National Pollutant Discharge Elimination System (NPDES) permit.

In your response, you indicated that a portion of PM's property has been sold to a new owner and that the new owner plans to expand sanitary sewers near U.S. 20 to the area eliminating the need for the current system you acknowledged is not in present compliance. You provided no dates when Ohio EPA can expect to receive a permit-to-install (PTI) for the sewer extension.

As noted in my September 29, 2011, letter, the existing sanitary wastewater system at the facility operates under expired NPDES Permit No. 3GV00020*AG issued on March 11, 2008. The late Peter Mauro applied for coverage under the general NPDES permit for an onsite discharging existing wastewater disposal system which does not meet best available demonstrated control technology (BADCT). A Notice of Intent (NOI) was issued by Ohio EPA for coverage under Ohio EPA general permit No. 3GV00020*AG on March 11, 2008. PM's current general permit for this facility (3GV00020 under 5PGV0001) expired on December 31, 2009. Part III of that expired permit contained a compliance schedule based upon the date Mr. Mauro applied for coverage under that permit. Specific dates for PM's compliance schedule, from the date that PM applied for coverage under the permit (February 20, 2008), include submitting detail plans to upgrade the system to meet current requirements within six (6) months of applying for coverage (August 20, 2008), advertizing for bids, commencing construction on the wastewater treatment plant upgrades (August 20, 2009), completing construction within 30 months (August 20, 2010), and attaining effluent limits within 36 months (due February 20, 2011).

Within 30 days of the date of this letter, Ohio EPA must receive detail plans to either upgrade the existing system to meet current design requirements or extend sewers which will abandon the existing system. Extending sewers will require the formation of a

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Joint Economic Development District (JEDD) which can take a considerable amount of time to achieve. Therefore; until one of these alternatives is achieved, the existing system must be pumped so that there is no discharge from the existing system. Ohio EPA recommends PM retain the services of a qualified engineer to evaluate your site and the current operations so that detail plans and a PTI application can be submitted as soon as possible.

Ohio EPA notes that PM did not submit analytical data in 2009, 2010, and 2011 as prescribed by PM's NPDES permit, and that Ohio EPA central office notified PM via separate letters of that fact. **Analytical data must be submitted as prescribed by PM's NPDES permit.**

Ohio EPA also notes that this property was transferred from Pete A Mauro to Cook Road Real Estate Co., LLC on August 29, 2008. Part V, Item E of PM's permit, required PM to provide Ohio EPA with 1) written notification of the transfer; and 2) a copy of the agreement between the two parties with respect to compliance with the NPDES permit. The permit also requires the new owner to submit an NOI within 30 days of the property transfer for continued coverage under the permit. New general permit 5PGS0003, which became effective January 1, 2010, replaced PM's expired permit. **However, since upgrades required by the expired permit were not performed, continued coverage cannot be granted until a PTI application is submitted and approved for these upgrades. The facility is currently discharging illegally until a new permit is issued. This illegal discharge is subject to enforcement.**

Please inform this office, in writing, within 30 days of the date of this letter as to the actions that have been or will be taken to correct the above noncompliance or explanations if you believe the noncompliance issues noted are in error. Your response to this letter should include the dates that the actions have been or will be completed. Please be advised that past or present issues of noncompliance can continue as subjects of future enforcement actions by Ohio EPA. If Ohio EPA does not receive a PTI for system upgrades or a sanitary sewer, this office will be referring this matter for enforcement.

If you have any questions or comments regarding this notification, please feel free to contact me at (330) 963-1175.

Respectively,

John M. Schmidt P.E., R.S.
Environmental Engineer
Division of Surface Water

JMS/cs

cc: Andrew Lincoln, Lincoln Metals Processing
Shirley Mauro/Cook Road Real Estate Co., LLC/PM Maintenance

File: Semi-Public/Ashtabula/Ashtabula Twp/PM Maintenance