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

December 20, 2011

RE: MACK INDUSTRIES
PERMIT NO. 3IN00361*AD
AKRON
SUMMIT COUNTY

CERTIFIED MAIL

Mr. Ron Barton
Plant Manager
124 Darrow Road
Akron, Ohio 44305

Dear Mr. Barton:

On December 8, 2011, this writer conducted an inspection of your facility. The purpose of the inspection was to determine compliance with the above referenced National Pollutant Discharge Elimination System (NPDES) permit. You were not available during the visit. The following is a summary of my observations:

1) The water entering and leaving the sump area was extremely turbid.
2) Water was entering the sump from between the concrete barriers instead of through the gravel.
3) The washout water recycle system did not appear to be in use. The valve was open and water was being discharged onto the yard area. It then flowed to the sump area underneath the office.
4) The sump area underneath the office is no longer being used for recycle. This water is being pumped onto the ground and enters sump at outfall 3IN00361001.
5) The exterior of the trucks is being washed outside the area of the recycle system. This water flows to the sump mentioned in item four above. This activity is not authorized by your permit.
6) The water being discharged at outfall 3IN00361901 was very turbid as it enters the railroad ditch.

A review of your compliance history for the time period of January 2011 through December 2011 revealed the following violations:

Numeric Violations

Station	Parameter	Limit Type	Limit	Reported Value	Violation Date
601	Total Suspended Solids	30D Conc	30	1400.	2/1/2011
001	pH	1D Conc	9.0	12.2	2/9/2011
601	Total Suspended Solids	1D Conc	45	1400.	2/9/2011
601	Total Suspended Solids	30D Conc	30	1400.	3/1/2011
001	pH	1D Conc	9.0	12.2	3/9/2011
601	Total Suspended Solids	1D Conc	45	1400.	3/9/2011
601	Total Suspended Solids	30D Conc	30	290.	5/1/2011

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001	pH	1D Conc	9.0	12.	5/16/2011
601	Total Suspended Solids	1D Conc	45	290.	5/16/2011
001	pH	1D Conc	9.0	12.5	6/28/2011
001	pH	1D Conc	9.0	11.6	7/8/2011
001	pH	1D Conc	9.0	11.4	8/7/2011
001	pH	1D Conc	9.0	11.4	9/7/2011
001	pH	1D Conc	9.0	11.2	10/24/2011
001	pH	1D Conc	9.0	11.	11/21/2011

Frequency Violations

Station	Parameter	Sample Frequency	Expected	Reported	Violation Date
001	Flow Rate	1/Month	1	0	02/01/2011
001	Flow Rate	1/Month	1	0	03/01/2011
001	Flow Rate	1/Month	1	0	05/01/2011
001	Flow Rate	1/Month	1	0	06/01/2011
001	Flow Rate	1/Month	1	0	08/01/2011
001	Flow Rate	1/Month	1	0	09/01/2011
001	Flow Rate	1/Month	1	0	10/01/2011
001	Flow Rate	1/Month	1	0	11/01/2011
601	Flow Rate	1/Month	1	0	02/01/2011
601	Flow Rate	1/Month	1	0	03/01/2011
601	Flow Rate	1/Month	1	0	07/01/2011
601	Flow Rate	1/Month	1	0	06/01/2011
601	Flow Rate	1/Month	1	0	08/01/2011
601	Flow Rate	1/Month	1	0	09/01/2011
601	Flow Rate	1/Month	1	0	10/01/2011
901	Flow Rate	1/Month	1	0	02/01/2011
901	Flow Rate	1/Month	1	0	03/01/2011
901	Flow Rate	1/Month	1	0	05/01/2011
901	Flow Rate	1/Month	1	0	07/01/2011
901	Flow Rate	1/Month	1	0	06/01/2011
901	Flow Rate	1/Month	1	0	08/01/2011
901	Flow Rate	1/Month	1	0	09/01/2011
901	Flow Rate	1/Month	1	0	10/01/2011
901	Flow Rate	1/Month	1	0	11/01/2011
601	Flow Rate	1/Month	1	0	05/01/2011
001	Flow Rate	1/Month	1	0	07/01/2011
601	Flow Rate	1/Month	1	0	11/01/2011

As seen by the above listed frequency violations, Mack Concrete is not monitoring flow on a monthly basis as required by the permit. Also, we note that the April 2011) electronic Discharge Monitoring Report (eDMR) was not submitted. Your company is also in violation of the permit for failure to submit the non-compliance notification reports as listed in Part III Section 12. It is mandatory that when you realize a violation of the permit that you follow the reporting requirements as described in the aforementioned section.

Mack Concrete is considered to be in significant non-compliance with its NPDES permit 3IN00361. As such, your company is subject to civil and monetary penalties as allowed under Ohio Revised Code (ORC) 6111.99. We will process an enforcement referral if the above listed concerns are not adequately addressed in writing to this office by January 13, 2012. The response is to include but is not limited to the following:

1) A legitimate explanation as to why flow is not being monitored.
2) An explanation as to why the April eDMR was not submitted.
3) A commitment to follow the self-notification requirements in Part III, C section 12, and a contact person responsible for submitting the reports.
4) A plan as to how the recycle system will be maintained in order to meet the effluent limitations contained in the permit.
5) A permanent solution to treating the discharge of process wastewater and storm water as the current methods are resulting in a high pH and suspended solids discharge at outfall 3IN00361901.

It is strongly encouraged that you contact a consultant familiar with your type of discharge. A permanent solution is necessary to maintain compliance with outfall 3IN00361601, and reduce the pH and Total Suspended Solids below Water Quality Standards at 3IN00361901

If you should have any questions, feel free to contact this writer at (330) 963-1136 or by e-mail at phil.rhodes@epa.state.oh.us.

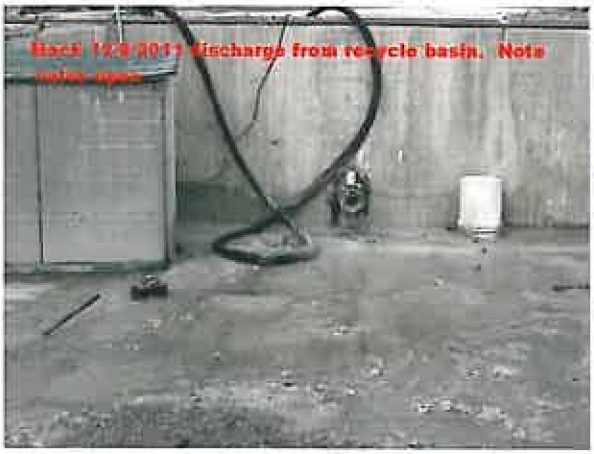
Sincerely,

Phil Rhodes

Philip P. Rhodes, P. E.
Environmental Specialist II
Division of Surface Water

PR/cs

File: Industrial Permit/Compliance

Mack 12.8.2011 sump below office

Mack 12/8/2011 Gravel washed out between blocks at 001