



**Environmental  
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

February 9, 2012

RE: CUYAHOGA COUNTY  
CITY OF CLEVELAND  
CHEMICAL SOLVENTS INC.  
INDUSTRIAL STORM WATER

Tim McNeilly  
Chemical Solvents Inc.  
3751 Jennings Road  
Cleveland, OH 44109

NOTICE OF VIOLATION

Dear Mr. McNeilly:

On February 7, 2012, Ohio EPA conducted a compliance inspection of storm water best management practices (BMPs) at your facilities located at 1010 Old Denison Road and 3751 Jennings Road. These facilities are adjacent to one another, but separated by railroad tracks. Our records indicate that Chemical Solvents Inc. has obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Industrial Activities #3GR00757\*DG for the facility located 1010 Old Denison Road, but not the facility at 3751 Jennings Road. Upon review of the operations at 3751 Jennings Road, and based on previous dye-testing by the Northeast Ohio Regional Sewer District (NEORS), it appears that all storm water discharges from 3751 Jennings Road discharge to combined sewers and, thus is not subject to NPDES permitting for industrial storm water. Thus, this inspection will focus on findings at 1010 Old Denison Road.

I was accompanied on my inspection by Mandy Razzano of our Division of Surface Water (DSW) and Bill Lutz of our Division of Materials and Waste Management (DMWM). We were accompanied by Wolfram von Karpinski and Mark Matteson, industrial surveillance investigators with NEORS. Anthony Dattilo, environmental consultant for Chemical Solvents, also accompanied us on this inspection. My inspection revealed the following violations of the NPDES permit:

- **Failure to implement measures and controls to reduce the pollutants in storm water discharges associated with industrial activity.** This is a violation of Part IV.D.3 of the NPDES permit. As noted in the attached photographs, we noted a number of instances where pollutants are exposed to storm water and BMPs are not being implemented. In particular:
  - Chemical Solvents stated that all storm water that collects on containment pads is tested and then either disposed in the combined sewer or placed in one of the bulk storage tanks on the property for reuse. However, an inspection by

NEORSR on February 2, 2012, found Chemical Solvents pumping water contained within the Auger Pad out to the ground outside the containment pad (Fig 11 & 12).

- Deteriorating drums and scrap machine parts are stored out in the yard in an area without cover or being in containment areas (Fig 2 & 3).
- Vehicles track solvents beyond the Bulk Product Loading Dock containment pad onto surrounding ground (Fig 4). Please note that our previous inspection identified this deficiency and recommended that the containment pad here be enlarged. Chemical Solvents took no action.
- Totes and drums containing non-hazardous waste are being stored off the containment pad in an area sloped toward the river. These containers and the pallets they are stored upon were observed to have residual or spilled solvents on them where storm water can contact and mobilize them (Fig 6-8).
- Chemical Solvents has installed a railcar receiving station for an oil blend product at the LUWA Building. No spill response equipment or containment practices were observed in this location, yet stains from what appears to be past spills were observed along these railroad tracks (Fig 13 & 14).

All of these pollutant sources were in locations that do not drain to the combined sewer or are not contained within containment pads.

- **Failure to prohibit the discharge of non-storm water.** This is a violation of Part III.A. of the NPDES permit. The distillation process which occurs within the LUWA Building results in two non-storm water discharges. One is coolant from a compressor and the other is heated water discharged from a boiler (boiler blowdown) (Fig 16 & 17). These discharges are not authorized under your existing NPDES permit and must be eliminated.
- **Failure to conduct preventative maintenance and housekeeping for leaks or conditions that could lead to discharges of Section 313 water priority chemicals.** This is a violation of Part III.D.7.b.7 of the NPDES permit. Chemical Solvents stores and processes a number of water priority chemicals including xylene and benzene. The NPDES permit requires Chemical Solvents to implement an inspection program for facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas. Inspections are to include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or non-containment. Where a leak is discovered, corrective action shall be taken immediately. Contaminated soil, debris or other material must be promptly removed and disposed in accordance with Federal, State and local requirements. My inspection revealed several instances where this provision of the NPDES permit has not been adhered to, including:
  - Seepage of solvents and other chemicals through the walls of containment structures (Fig 20 & 21).

- Failure to remove and dispose of soils contaminated from spills (Fig 14, 16, 17, 19, 20 & 22).
  - Exterior piping on the LUWA Building appears to have leak at connection joint (Fig 15).
  - Corrosion of the walls along the north side of the New Warehouse.
- **Failure to develop the site map with the required information for the SWP3.** This is a violation of Part III.D.2.a of general NPDES permit #OHR000004. This deficiency in the Storm Water Pollution Prevention Plan (SWP3) was noted at our previous compliance inspection conducted August 2, 2010, yet Chemical Solvents has taken no action to correct this violation. The site map Mr. Dattilo indicated to be the drainage map for the SWP3 was dated 2002 and it has not been updated since. A review of the map indicated that it still lacks the information specified in our letter to Mr. Dattilo dated August 23, 2010, which memorialized the findings of the previous compliance inspection (see attached). To correct this violation, Chemical Solvents must update the map to meet the requirements of the NPDES permit. Please note that with the recent renewal of the general permit, the site map must be updated to meet the requirements of Part 5.1.2 of NPDES permit #OHR000005. Please update the site map to meet these requirements.

**NOTE ABOUT STORM WATER OUTFALLS:**

Please note that the SWP3 and site map must identify all locations where storm water associated with industrial activity discharges from the site, not just those areas that discharge via a piped drainage system. My inspection revealed that there are at least two additional locations where storm water runoff from areas associated with industrial activity leads to direct discharges to the Cuyahoga River (see Fig 1 and Fig 5). Please ensure that your site map and Notice of Intent (NOI) acknowledge these outfalls. Further, because the recently renewed storm water permit will require you to monitor storm water discharges, you may need to create sampling points for these discharges (see enclosure for guidance).

You are directed to provide me with a letter of response indicating the actions you will take to correct these violations and the date by when corrective action was or will be completed. Submit a copy of the current SWP3 for this facility with your response. Include a copy of the site map, updated to meet the requirements of Part 5.1.2 of NPDES permit #OHR000005, with your response. Your response must be received **no later than March 2, 2012**.

Finally, please be aware that other updates to the SWP3 are required as a result of new requirements contained in NPDES permit #OHR000005. Updates to the SWP3 and BMPs to meet these new requirements must be made within 180 days of the effective date of the permit. You are directed to submit a copy of the updated SWP3 once it is completed, but **no later than June 29, 2012**.

Failure by Chemical Solvents to take action to address these violations will result in a referral for enforcement action. **Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07 and is punishable by fines of up to \$10,000 per day of violation.**

If you have any questions, please contact me at (330) 963-1145.

Sincerely,



Dan Bogoevski  
District Engineer  
Division of Surface Water

DB/cs

- cc: Dave Weber, Facility Manager, Chemical Solvents Inc.  
Anthony Dattilo, EnviroMatrix Inc.  
Scott Broski, Northeast Ohio Regional Sewer District  
Rachid Zoghaib, City of Cleveland Water Pollution Control  
Shirley Tomicello, City of Cleveland Department of Law
- ec: Bill Lutz, Ohio EPA, DMWM, NEDO  
Mandy Razzano, Ohio EPA, DSW, NEDO  
Erm Gomes, Ohio EPA, DSW, NEDO



**Fig 1.** A swale drains the area of the site between the New Warehouse and the Maintenance Building to the Cuyahoga River. Soil erosion from the yard is a concern that must be addressed in the SWP3.



**Fig 2 – 4.** In addition to soil erosion, there are a number of other storm water pollution sources within the drainage area of the swale pictured in Fig 1. Deteriorating drums containing carbon powder, scrap machine parts with residual lubricating fluids, and tracking of solvents beyond the Bulk Product Loading Dock are some of the sources observed on the date of inspection. There are no BMPs in place to minimize their discharge in storm water runoff.

Photos Taken: February 8, 2012



Fig 5. Sheet flow runoff from the area between the New Warehouse and the Auger Pad flows past the Auger Pad to the Cuyahoga River. Soil erosion from the yard is a concern that must be addressed in the SWP3.



Fig 6 – 8. In addition to soil erosion, there are a number of sources of storm water pollutants within the drainage area depicted in Fig 5. The placement of non-hazardous waste containers off the containment pad, pallets with residuals from spills, and drums with leaked or spilled solvents on top of them are some of the pollutants observed on the date of inspection. No BMPs are in place to address these sources.

Photos Taken: February 8, 2012



**Fig 9 & 10.** Although waste chemical drums are stored on a containment pad, the drains within the containment pad are blind sumps, the majority of catch basins are filled with sediment and provide little to no storage beyond that provided by the pad itself. When it rains, Chemical Solvents indicated that the water is tested and either (a) discharged to the combined sewer or (b) pumped into totes and placed into the appropriate bulk chemical storage tank on site.



**Fig 11 & 12.** These photos, taken by NEORSD on February 2, 2012, show runoff that accumulated on the Auger Pad is being pumped out to the grassy area between the pad and the facility fence. This area is sloped to the Cuyahoga River. This discharge of contaminated storm water is a violation of the BMPs established in the SWP3 required by the NPDES permit.

Photos Taken: February 7, 2012



**Fig 13 (LEFT).** Potential storm water pollutants were noted along the west side of the LUWA Building. A new hose and pump has been installed to receive an oil blend product from railcars. No spill prevention BMPs were evident in this location.

**Fig 14 (MIDDLE).** Stains on the ground along the rail spur leading to the main railcar receiving dock. When spills occur, the material and any contaminated soil must be properly cleaned up and disposed.

**Fig 15 (RIGHT).** There may be a leak at the connection joint between these two sections of pipe allowing the material contained in the piping to become exposed to storm water. Note the darker color, indicative of wetness at the joint, but not on other sections of piping. Regular inspections and routine maintenance practices are BMPs that can be implemented to minimize this concern.



**Fig 16 & 17.** There are two unauthorized non-storm water discharges from the LUWA Building. Coolant from the air compressor (ABOVE) is discharging onto the ground outside the building. The steam boiler releases heated water through a high pressure relief valve. You must take steps to eliminate these discharges or obtain an additional NPDES permit to authorize such discharges. These areas do not drain to the combined sewer.

Photos Taken: February 7, 2012



**Fig 18. (LEFT).** A noticeably dark stain was observed next to the back door of the New Warehouse, which may indicate that a spill had occurred, but contaminated soils were not removed and disposed.

**Fig 19 (RIGHT).** Sediment collected within the containment pad was observed at regular intervals outside the Auger Pad indicating that sediments that settle on the pad may not be properly disposed. Sediments that settle on the pad must be characterized and disposed per regulatory requirements.



**Fig 20 & 21.** Signs of solvent seeps were observed on the containment walls for the Bulk Product and the Bulk Fuel containment pads. Scheduled inspections and prompt repair are required to comply with the NPDES permit.



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Photos Taken: February 7, 2012



**Fig 22 (LEFT).** Solvents spilled during transfers from rail cars were observed on the ground. It appears that Chemical Solvents is not promptly cleaning up spills and disposing of contaminated soils.

**Fig 23 (ABOVE).** Totes containing chemicals at 3751 Jennings Ave. are pushed past the containment pad.



**Fig 24.** Management of runoff that collects within containment pads is critical to the success of the storm water pollution prevention plan. This containment pad at 3751 Jennings Ave. is nearly brimful. It is important that collected runoff is disposed before the next expected storm event.

