



Environmental
Protection Agency

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

March 28, 2012

RE: MAHONING COUNTY
SOIL REMEDIATION, INC.
NPDES PERMIT NO. OHR000004
OHIO EPA PERMIT NO. 3GR01022*DG
INDUSTRIAL STORM WATER INSPECTION

David Gennaro
Soil Remediation, Inc.
6065 Arrel Smith Road
Lowellville, OH 44436

NOTICE OF VIOLATION

CERTIFIED MAIL

Dear Mr. Gennaro:

On November 30, 2011, Ohio EPA received an anonymous complaint alleging that brine water and contaminated soil was not being remediated properly and was being dumped and buried at Soil Remediation, Inc. (SRI), located at 6065 Arrel Smith Road, Village of Lowellville, Mahoning County (facility).

On February 29, 2012, Ohio EPA conducted an inspection at the facility, which was represented by you, Frank Naples, and Richard Montgomery. I was accompanied by John Kwolek of the Division of Surface Water (DSW); Bob Princic, Zorica Dejanovic, and Tim Fischer of the Division of Air Pollution Control (DAPC); and Eric Schultz and Randy Ohlemacher of the Division of Division of Environmental Response and Revitalization (DERR). Matters related to DAPC regulatory compliance will be addressed via separate DAPC correspondence.

Currently, the facility has four employees and a truck operator that is utilized when needed. The facility's industrial activities are categorized by Standard Industrial Classification (SIC) Code 2951: Asphalt Paving Mixtures and Blocks, 1442: Construction Sand and Gravel, 3295: Minerals and Earths, Ground or Otherwise Treated, and 5093: Scrap and Waste Materials and are authorized by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Industrial Activity (General Storm Water Permit), permit No. 3GR01022*DG.

Site Inspection

The inspection of the facility, which occurred during a precipitation event, documented the following:

1. Section 3.5.2, Outdoor Storage, of the Storm Water Pollution Prevention Plan (SWP3) states petroleum contaminated soil piles will be staged within the constructed shelter with a roof and that "petroleum contaminated soils will not be stored outside of the shelter." Contaminated soil was stored outside of the shelter in an area that was exposed to precipitation (Figure 1). **The failure to store contaminated soil in accordance with the SWP3 constitutes violations of Ohio Revised Code, Chapter (ORC) 6111.07 and Part IV of the General Storm Water Permit.**

2. Section 3.5.2, Outdoor Storage, and Section 4.3, Spill Prevention and Response, of the SWP3 state that the storage of fuel occurs in two aboveground storage tanks south of the maintenance building and that the facility will construct "secondary containment dikes that will hold 110% of the capacity of the largest tank." The aboveground storage tank area has not been modified to include the secondary containment dikes (Figure 2). **The failure to install secondary containment dikes with 110% capacity of the largest tank in accordance with the SWP3 constitutes violations of ORC 6111.07 and Part IV of the General Storm Water Permit.**
3. Section 4.1, Item (3), Good Housekeeping, of the SWP3 states that "prompt cleanup of any fuels or oils that have been spilled or released from SRI's fuel tanks, oil drums, or equipment" shall be implemented." Numerous oil spills and leaks were documented from fifty-five gallon tanks and five gallon pails located in the vehicle/equipment outdoor storage area located east of the maintenance building (Figures 3 to 6). All drums and pails must be properly sealed to prevent storm water runoff from becoming contaminated (Figure 6). **The failure to perform good housekeeping in accordance with the SWP3 constitutes violations of ORC 6111.07 and Part IV.D.3.a of the General Storm Water Permit.**
4. Section 4.1, Item (4), Good Housekeeping, of the SWP3 states that "SRI should maintain spill control equipment adjacent to its fuel storage tanks." Spill kits were not observed at the fuel storage tanks (Figure 2). **The failure to maintain spill control equipment adjacent to the fuel storage tanks in accordance with the SWP3 constitutes violations of ORC 6111.07 and Part IV of the General Storm Water Permit.**
5. Section 4.2, Preventative Maintenance, of the SWP3 states that "all storage tanks for fuels and oils should be maintained to prevent corrosion of the tank shell or tank components (i.e. valves, stems, & hoses)." Corrosion of the large fuel tank was observed (Figure 2). **The failure to prevent corrosion of the tank shell in accordance with the SWP3 constitutes violations of ORC 6111.07 and Part IV of the General Storm Water Permit.**
6. Section 4.8, Sediment and Erosion Control, of the SWP3 states that "the areas that will require active erosion controls are those areas that have active slag excavation/reclamation or storage piles and aggregate." This section also specifically details "tiering of storage piles, trenches at the base of the storage piles, aggregate berms, sediment basins and traps, silt fences, curbing around storage piles, and covers on top of storage piles" as the erosion and sediment controls that will be utilized.

No erosion or sediment best management practices (BMP) have been installed within the recent excavating and grading activities located east of the "slag reclamation," as depicted on the site map provided within Appendix B of the SWP3, and around the various stockpiles of materials throughout the facility that do not discharge into the sediment pond (Figures 7 to 11). Strong odors were present throughout the areas where recent excavating grading activities had occurred. **The failure to prevent erosion and discharge of sediment constitutes violations of ORC 6111.07 and Part IV of the General Storm Water Permit.**

It appeared that solid waste materials (i.e. plastic liners) had been buried within the areas where recent excavating and grading activities had occurred (Figures 12 to 13). In addition, a stockpile of tires was located east of the maintenance building (Figure 14). Please contact Katharina Snyder of Division of Materials and Waste Management (formerly the Division of Solid and Infectious Waste Management) (DMWM) at (330) 963-1257 regarding the proper management of solid waste materials.

7. Contaminated storm water runoff was discharging to "waters of the state" in many locations throughout the facility (Figures 1 and 5). Oils, suspended solids, and other black colored materials were being discharged via storm water runoff to "waters of the state" from the areas where recent excavating and grading activities had occurred (Figures 15 to 20). **The unpermitted discharge of contaminated storm water runoff to "waters of the state" constitutes violations of ORC 6111.07, Ohio Administrative Code rule 3745-1-04(A), (B), and (C).**

Storm Water Pollution Prevention Plan

The facility's SWP3 was available during the inspection and documented the following:

8. Section 2.0, Pollution Prevention Team, of the SWP3 states that annual storm water pollution prevention team (pollution prevention team) meetings are to occur "as needed, but at least annually" to address recent incidents at the facility, spill prevention and response, material management practices, handling material wastes, good housekeeping practices, employee questions, suggestions, etc. The pollution prevention team meeting minutes are to be maintained utilizing the Meeting Minute form and maintained in appendix D. No records of the meeting minutes have been maintained by the facility. **The failure to implement pollution prevention team meetings constitutes violations of ORC 6111.07 and Part IV of the General Storm Water Permit.**
9. Section 3.4, Inventory of Exposed Materials, of the SWP3 must be revised to include the vehicle/equipment outdoor storage area located east of the maintenance building and the associated potential pollutants from the fifty-five gallon drums, pails, and exposed vehicles and equipment.
10. Section 4.4, Inspections, of the SWP3 states that "visual facility inspections should be conducted following all significant storm events, but at least monthly and documented using the inspection form included in Appendix F." **The failure to implement visual inspections constitutes violations of ORC 6111.07 and Part IV.D.3.d of the General Storm Water Permit.**
11. Section 4.5, Employee Training, of the SWP3 states that "storm water training must be conducted within the first year of employment. Refresher courses are conducted annually in accordance with the *General Permit*. An employee Training Description form and a blank Attendee Roster form are included in Appendix G." **The failure to implement employee training constitutes violations of ORC 6111.07 and Part IV.D.3.e of the General Storm Water Permit.**
12. Section 4.6, Recordkeeping and Reporting, of the SWP3 states Appendices D through J "must be maintained for at least a period of six (6) years, in accordance with the *General Permit*." When I inquired about copies of the records, you stated that you were never

informed of the requirement to maintain appropriate records. **The failure to maintain appropriate records constitutes violations of ORC 6111.07 and Part IV.D.3.f of the General Storm Water Permit.**

13. Section 5.1, Annual Site Compliance Evaluation (ASCE), of the SWP3 states that "the pollution prevention team will conduct site compliance evaluations at least annually" and will utilize and complete the Comprehensive Site Evaluation Summary, included in Appendix J. **The failure to perform ASCEs constitutes violations of ORC 6111.07 and Part IV.D.4 of the General Storm Water Permit.**
14. Section 5.2, Plan Revisions, of the SWP3 states that "a designated SWP3 Team member will have the responsibility for revising the plan so that it reflects current conditions at the facility, and for documenting these revisions to reflect then plant's efforts to control pollution for storm water runoff." Additional slag excavation and soil disturbance activities, refer to the site inspection section of this notice of violation (NOV), are occurring at the facility that have not been depicted on the site map provided within Appendix B of the SWP3. **The failure to revise the SWP3 to reflect current conditions at the facility constitutes violations of ORC 6111.07 and Part IV.C of the General Storm Water Permit.**

Director's Final Findings and Orders

On February 20, 2008 (effective date), Director's Final Findings and Orders (DFFO) were journalized with the following requirements that were required to be performed:

15. Thirty days from the effective date of the DFFO, SRI shall certify that the August 2, 2006 SWP3 is being fully implemented.
16. One year from the effective date of the DFFO, SRI shall submit signed copies of the pollution prevention team meeting minutes, significant spill and release documentation forms, monthly site inspection records, employee training forms and attendance rosters, non-storm water discharge assessment and certification, and the ASCE to Ohio EPA.
17. For the five years following the effective date of the DFFO, SRI shall submit copies of the ASCEs by the anniversary of the effective date of the DFFO.

Ohio EPA's DSW and the DMWM confirmed that the above items had not been received at the Northeast District Office. **The failure to comply with the orders established within the DFFO constitutes violations of ORC 6111.07 and Part V.3 of the DFFO.**

Individual Storm Water Permit

Based upon the extensive violations detailed above, the facility is must submit application to receive an individual industrial NPDES storm water permit to Ohio EPA. The application shall consist of the following forms, which are available from the following website:

- i. NPDES Form 1 Application;
- ii. NPDES Form 2F Application; and
- iii. Ohio EPA Antidegradation Addendum

<http://www.epa.ohio.gov/dsw/permits/npdesform.aspx>

Should you have any questions regarding the individual industrial NPDES storm water permit application, please contact John Kwolek at (330) 963-1251.

Corrective Actions

- All unauthorized discharges of contaminated storm water runoff must be immediately eliminated.
- Within 14 days of receiving this NOV, a written report must be submitted to Ohio EPA that details how the above violations have been or will be addressed. The written report must also include dates detailing when each corrective action (i.e. BMP) was or will be implemented and completed.
- Within 30 days of receiving this NOV, the facility's SWP3 must be revised to address the above violations. A copy of the revised SWP3 must be submitted to Ohio EPA for review.
- Within 30 days of receiving this NOV, an application for an individual industrial NPDES storm water permit must be submitted, in accordance with the instructions, to Ohio EPA.

Failure to address the above violations will result in Ohio EPA pursuing formal enforcement, whereby violations of ORC 6111 are punishable by fines up to \$10,000 a day, per violation. Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118 or via e-mail at chris.moody@epa.ohio.gov.

Sincerely,



Chris Moody
Environmental Specialist II
Division of Surface Water

CM/cs

ec: John Kwolek, Ohio EPA, DSW, NEDO
Bob Princic, Ohio EPA, DAPC, NEDO
Zorica Dejanovic, Ohio EPA, DAPC, NEDO
Tim Fischer, Ohio EPA, DAPC, NEDO
Katharina Snyder, Ohio EPA, DMWM, NEDO
Eric Schultz, Ohio EPA, DERR, CO
Randy Ohlemacher, Ohio EPA, DERR, CO



Figure 1 - Contaminated soil was stored outside of the shelter in an area that was exposed to precipitation.



Figure 2 - The aboveground storage tank area has not been modified to include the secondary containment dikes.



Figure 3 - Numerous oil spills and leaks were documented from fifty-five gallon tanks and five-gallon pails.



Figure 4 - Numerous oil spills and leaks were documented from fifty-five gallon tanks and five-gallon pails.



Figure 5 - Numerous oil spills and leaks were documented from fifty-five gallon tanks and five-gallon pails.



Figure 6 - All drums and pails must be properly sealed to prevent precipitation from contacting open containers.



Figure 7 - No BMPs have been installed within the recent excavating and grading activities to prevent discharges of sediment.



Figure 8 - No BMPs have been installed within the recent excavating and grading activities to prevent discharges of sediment.



Figure 9 - No BMPs have been installed within the recent excavating and grading activities to prevent discharges of sediment.



Figure 10 - No BMPs have been installed around the various stockpiles of materials throughout the facility that do not discharge into the sediment pond.



Figure 11 - No BMPs have been installed around the various stockpiles of materials throughout the facility that do not discharge into the sediment pond.



Figure 12 - It appeared that solid waste materials (i.e. plastic liners) had been buried within the areas where recent excavating and grading activities had occurred.



Figure 13 - It appeared that solid waste materials (i.e. plastic liners) had been buried within the areas where recent excavating and grading activities had occurred.



Figure 14 - A stockpile of tires was located east of the maintenance building.



Figure 15 - Oils, suspended solids, and other black colored materials were being discharged via storm water runoff to "waters of the state."



Figure 16 - Oils, suspended solids, and other black colored materials were being discharged via storm water runoff to "waters of the state."



Figure 17 - Oils, suspended solids, and other black colored materials were being discharged via storm water runoff to "waters of the state."



Figure 18 - Oils, suspended solids, and other black colored materials were being discharged via storm water runoff to "waters of the state."



Figure 19 - Oils, suspended solids, and other black colored materials were being discharged via storm water runoff to "waters of the state."



Figure 20 - Oils, suspended solids, and other black colored materials were being discharged via storm water runoff to "waters of the state."

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>David Gennaro Soil Remediation, Inc. 6065 Arrel Smith Road Lowellville, OH 44436</p>	<p>B. Received by (Printed Name) <input checked="" type="checkbox"/> Agent Frank Vazdes</p> <p>C. Date of Delivery 3-29-12</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7011 0470 0002 34961818 DSW/ 3/28/12</p>	