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

March 30, 2012

RE: MEDINA COUNTY
OSBORNE MEDINA, INC.
NPDES PERMIT NO. OHR000004
OHIO EPA PERMIT NO. 3GR01362*DG
INDUSTRIAL STORM WATER INSPECTION

Rick Buccini
Osborne Medina, Inc.
795 North Progress Drive
Medina, OH 44256

NOTICE OF VIOLATION

CERTIFIED MAIL

Dear Mr. Buccini:

On February 29, 2011, Ohio EPA received a complaint alleging that wastewater from concrete pits at Osborne Medina, Inc., located at 795 North Progress Drive, City of Medina, Medina County (facility), were overflowing and discharging into "waters of the state."

On March 1, 2012, Ohio EPA met with the complainant and Rick Wirick, Engineering Technologist, of the City of Medina's Engineering Department to discuss the complaint.

On March 1, 2012, Ohio EPA conducted an inspection at the facility, which was represented by James Clement, Yard Foreman. The facility's industrial activities are categorized by Standard Industrial Classification (SIC) Code 3273: Ready-Mixed Concrete and are authorized by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Industrial Activity (General Storm Water Permit), permit No. 3GR01362*DG.

Site Inspection

The inspection of the facility documented the following:

A. Unpermitted Discharges

1. Multiple concrete truck washout bays are present throughout the facility. Two large washout bays are located in the north (Figure 1); one washout bay is located in the east along North Progress Drive (Figure 2); and one washout bay in the south immediately west of the railroad line (Figure 3). The large washout bays flow into an under-capacity sediment pond that discharges to "waters of the state" (Figure 4). The east washout bay flows into a storm sewer inlet and into "waters of the state. The south washout bay flows into a railroad ditch that discharges to "waters of the state" (Figure 5) Significant amounts of sediment deposition was documented within "waters of the state," located immediately north of the facility (Figures 6 to 7).

2. Wastewater (i.e. green soap and oil) resulting from the concrete block manufacturing area was discharging to the railroad ditch (Figure 8).

3. Concrete truck washing activities occur outdoors within the parking area located east of the concrete manufacturing plant (Figure 9). The generated wastewater flows into a storm sewer inlet, to a drainage ditch that is periodically dredged out, and into "waters of the state." Significant amounts of sediment deposition was documented within the drainage ditch and "waters of the state," located immediately north of the facility (Figures 7 and 10).

The General Storm Water Permit does not authorize the discharge of wastewaters to "waters of the state." **The unpermitted discharges of wastewater to "waters of the state" constitute violations of Ohio Revised Code Chapter (ORC) 6111.04(A), ORC 6111.07(A), and Part I.C of the General Storm Water Permit.**

The discharges of wastewaters associated from these operations to "waters of the state" must be immediately by eliminated. Ohio EPA recommends that the following options to eliminate the unpermitted discharges:

- Connecting the wastewater sources to the sanitary sewer system with the approval of the local sanitary sewer authority;
- Installing a recirculation system whereby washout water can be reused as part of the concrete manufacturing process or truck washing operations; and
- Utilizing a commercially available truck wash to clean vehicles.

In the event that the facility is unable to eliminate the discharge of wastewater, the facility must submit the following to Ohio EPA:

1. A permit-to-install (PTI) application and appropriate application fee for the onsite treatment of the wastewater; and
2. An individual storm water permit application and appropriate application fee to authorize the discharge of the wastewater to "waters of the state."

B. Erosion and Sediment Controls

1. A sediment pond is located north of the facility that has a significantly reduced treatment capacity due to sediment deposition and lack of maintenance (Figures 4 and 11). The sediment pond capacity must be restored and verified that it can treat the volume of a ten year twenty-four hour storm event. Significant amounts of sediment deposition was documented within "waters of the state," located immediately north of the facility (Figure 6).

2. No erosion and sediment control were observed on the areas of the facility located in the southwest that drain into the railroad ditch (Figure 12). Sediment was documented within the railroad ditch (Figure 5). Appropriate best management practices (BMP) (i.e. sediment ponds, traps, stabilization, etc.) must be installed to prevent erosion and the discharge of sediment to "waters of the state."

3. Part 4.7 of the Storm Water Pollution Prevention Plan (SWP3) states "there is little potential for significant erosion at Osborne medina, Inc. due to the relatively flat topography of the site. No construction activities are anticipated that would result in the exposure of underlying soil to precipitation and/or wind."

The failure to implement erosion and sediment BMPs to prevent the discharge of sediment to "waters of the state" constitute violations of ORC 6111.07(A), and Part IV.D.2.h of the General Storm Water Permit.

C. Offsite Tracking

1. Offsite tracking of sediment is occurring into North Progress Drive. The facility utilizes a water truck to wash the sediment into the City of Medina municipal separate storm sewer system (MS4). This activity would constitute an illicit discharge via the City of Medina's MS4 storm water permit and will require elimination. Ohio EPA will notify the City of Medina of this issue. Ohio EPA recommends that the facility utilize a wheel wash or vacuum truck to eliminate the illicit discharge into the City of Medina MS4.

The failure to implement erosion and sediment BMPs to prevent the discharge of sediment to "waters of the state" constitute violations of ORC 6111.07(A), and Part IV.D.2.a of the General Storm Water Permit.

D. Storm Water Sampling

1. The facility provided analytical data for storm water monitoring that was performed November 22, 2010. The suspended solids result was 468 mg/L. The typical discharge limits for suspended solids is 30 mg/L (30 day average) and 45 mg/L (daily maximum). The pH result was 11.45 S.U. The water quality standard for pH is 6.5 to 9.0 S.U.

The discharge of pollutants to "waters of the state" in excess of water quality standards constitute violations of ORC 6111.07, Ohio Administrative Code Rule 3745-1-04(A) and (C), and Part I.C.3.d of the General Storm Water Permit.

E. Refueling Area

1. A spill kit has not been located at the diesel refueling tank that would be available in the event of a diesel spill or leak. A spill kit must be available at the diesel refueling tank (Figure 13).

Storm Water Pollution Prevention Plan

A copy of the facility's SWP3 was not available during the inspection, but was provided within a March 7, 2012 e-mail from Gary Nied of H.C. Stark. However, the "List of Figures" and "List of Tables" were not included.

A review of the SWP3 indicates that many sections require a revision in order to address the above violations, include more specific language for BMPs, and to address current facility operations.

Corrective Actions

- All unauthorized discharges of wastewater must be immediately eliminated.

- Within 14 days of receiving this Notice of Violation (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.

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

cc: Patrick Patton, Medina Engineer, City of Medina
Rick Wirick, Engineering Technologist,City of Medina

ec: Mark Mann, Ohio EPA, DSW, Enforcement Manager, CO

Figure 1 - Two large washout bays are located in the north; one washout bay is located in the east along North Progress Drive.

Figure 2 - One washout bay is located in the east along North Progress Drive.

Figure 3 - One washout bay is located in the south immediately west of the railroad line.

Figure 4 - The large washout bays flow into an under-capacity sediment pond that discharges to "waters of the state."

Figure 5 - The south washout bay flows into a railroad ditch that discharges to "waters of the state."

Figure 6 - Significant amounts of sediment deposition was documented within "waters of the state."

Figure 7 - Significant amounts of sediment deposition was documented within "waters of the state."

Figure 8 - Wastewater (i.e. green soap and oil) resulting from the concrete block manufacturing area was discharging to the railroad ditch.

Figure 9 - Concrete truck washing activities occur outdoors within the parking area located east of the concrete manufacturing plant.

Figure 10 - Significant amounts of sediment deposition was documented within the drainage ditch.

Figure 11 - A sediment pond is located north of the facility that has a significantly reduced treatment capacity due to sediment deposition and lack of maintenance.

Figure 12 - No erosion and sediment control were observed on the areas of the facility located in the southwest that drain into the railroad ditch.

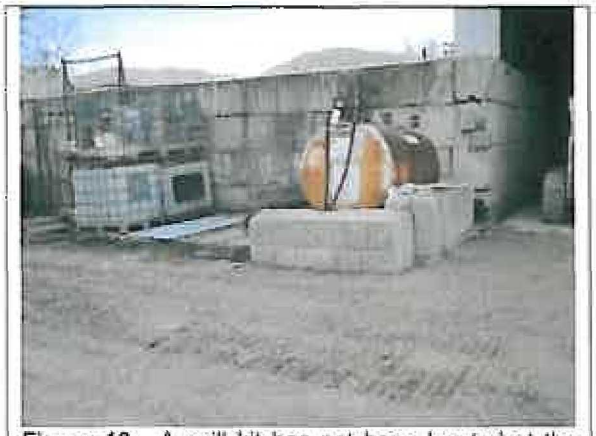

Figure 13 - A spill kit has not been located at the diesel refueling tank that would be available in the event of a diesel spill or leak.