



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

April 25, 2012

Re: Lawrence County
Superior Marine Ways
Industrial Stormwater
0GR00417; 0GR00418
Notice of Violation
Certified Mail 70101060000178964703

Mr. Frank Kiser
Superior Marine Ways
P.O. Box 519
South Point, Ohio 45680

Dear Mr. Kiser:

On March 14, 2012, I conducted an inspection of your facility. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. As a result of the inspection, I have the following comments:

Part 2.1.2 titled Control Measures/Best Management Practices (BMPs) of your Industrial Multi-Sector General Storm Water Permit states the following:

2.1.2.1 Minimize Exposure. You shall minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). In minimizing exposure, you should pay particular attention to the following:

- use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- use spill/overflow protection equipment;
- drain fluids from equipment and vehicles prior to on-site storage or disposal;
- perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- ensure that all washwater drains to a proper collection system (i.e., not the storm water drainage system).

Southeast District Office
2195 Front Street
Logan, OH 43138-8637

740 | 385 8501
740 | 385 6490 (fax)
www.epa.ohio.gov

The discharge of vehicle and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters shall be covered under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

Note: Industrial materials do not need to be enclosed or covered if storm water runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under another NPDES permit.

2.1.2.2 Good Housekeeping. You shall keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers.

2.1.2.3 Maintenance. You shall regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in storm water discharged to receiving waters. You shall maintain all control measures that are used to achieve the control measures/best management practices (BMPs) and numeric effluent limits required by this permit in effective operating condition. Nonstructural control measures shall also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If you find that your control measures need to be replaced or repaired, you shall make the necessary repairs or modifications as expeditiously as practicable.

Portions of each of the Parts mentioned above were not met and noted as violations during my inspection. The following list explains the areas of concern.

- 1. General housekeeping has improved at both facilities since your last inspection with USEPA but more emphasis must be applied in this area. Continue cleaning and organizing your storage and laydown areas at both facilities.**
- 2. I have included the website link for the SWP3 template for use in updating your plan. It can be found at <http://cfpub.epa.gov/npdes/stormwater/msgp.cfm> Its titled Sample MSGP SWPPP Template (WORD). Submit the revised plan to me for review.**
- 3. Ensure that empty paint cans are stored under cover.**
- 4. Ensure that all sandblasting areas are covered.**
- 5. Assess all oil transfer equipment for leaks and proper secondary containment.**
- 6. Remove old unused tires from both facilities.**

7. **Continue your efforts to remove trash that has accumulated from river flooding. Your local MS4 may be able to assist you with riverbank cleanup activities.**
8. **Please copy Susan A. Virgilio on your response. Her address is below.**

Within fourteen (14) days of receipt of this letter, submit to me at this office a written notification as to actions taken or proposed to eliminate violations. Your response must include the dates, either actual or proposed, for the completion of the actions. Be advised that the violations at your site subject you to significant monetary penalties that can be assessed daily as provided by ORC 6111.09.

If you have any questions, please contact me at (740) 380-5277.

Sincerely,



Aaron Wolfe
Storm Water Coordinator
Division of Surface Water

AW/dh

c: Susan A. Virgilio
U.S. EPA, Region V
Water Enforcement, Compliance & Assurance
77 W. Jackson Blvd., WC-15J
Chicago, IL 60604

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"/> <i>Sharon Farmer</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Sharon Farmer</i> C. Date of Delivery <i>4/27/12</i></p>
<p>1. Article Addressed to: <i>Frank Kiser Superior Marine Ways P.O. Box 519 South Point, OH 45680</i></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>3. Service Type <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>
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Sent To: *Frank Kiser, Superior Marine Ways*
 Street, Apt. No., or PO Box No.: *P.O. Box 519*
 City, State, ZIP+4: *South Point, OH 45680*

PS Form 3800, August 2006 See Reverse for Instructions

7010 1060 0001 7896 4703