



**Environmental
Protection Agency**

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

June 1, 2012

RE: CUYAHOGA COUNTY
CUYAHOGA LANDMARK, INC.
NPDES PERMIT NO. OH0089656
OHIO EPA PERMIT NO. 3IN00104

Jeff Smith, Secretary
Cuyahoga Landmark, Inc.
21079 Westwood Drive
Strongsville, OH 44136

Dear Mr. Smith:

This letter is a follow-up to inspections of your facility on March 11, 2012 and May 3, 2012. The purpose of the inspections was to obtain and review information in anticipation of renewal of the National Pollutant Discharge Elimination System (NPDES) permit, which expires on August 31, 2012.

Facility Description

The site is a bulk fuel storage facility (Standard Industrial Classification Code 5171) that also includes a retail gasoline station, Class IV composting area (SIC Code 2875), and a garden supplies operation (top soil, mulch). Gasoline and diesel products are brought to and distributed from the facility by truck. Product is stored in underground storage tanks. There are two loading racks located under a canopy and a dispensing station for fueling company vehicles. The facility maintains its own tanker trucks, which deliver fuel to retail gasoline stations. Vehicle maintenance is performed on site in a garage.

Treatment of storm water consists of a 4,000-gallon oil/water separator and a retention basin. Both discharge to an unnamed tributary of the West Branch of the Rocky River that traverses the property. The drains from the loading rack and retail gasoline station are treated by the oil/water separator. Various catch basins are connected to the retention basin; others appear to discharge directly to the tributary.

Application Review

As discussed, the renewal application, received by this office on March 8, 2012, is incomplete.

- Transportation facilities classified under SIC Code 5171, which have vehicle maintenance shops, are subject to storm water discharge regulations. This program requires all storm water discharges associated with industrial activity to be covered by an NPDES permit.
- Composting operations classified under SIC Code 2875 are considered regulated sources under the NPDES permit program. Please be aware that runoff associated with composting operations is defined as "storm water associated with industrial activities" under Ohio Administrative Code (OAC) 3745-39-04. The existing NPDES permit for this facility does not authorize discharges of storm water associated with this activity.

- To complete the renewal process, Forms 1 and 2C must be updated to include all activities that occur at the site. Additionally, Form 2F must be submitted for outfalls that contain "storm water associated with industrial activity." Please include an updated site map showing the location of all tanks (buried or aboveground), loading racks, treatment components, outfall locations, sewers (sanitary and storm), buildings and streams. All new outfall designations shall be sequentially listed beginning with 003 (Note: Outfalls 001 and 002 are already authorized by the existing permit).
- The facility's existing Storm Water Pollution Prevention Plan (SWPPP) was last updated on May 15, 2007. The SWPPP must be updated to address the present activities at the site.

Inspection Overview

On the dates of the inspection, there was minimal flow from the oil/water separator and the retention pond. No visible oil was observed in the retention basin or at the outfalls to the receiving stream. However, the inspection revealed that there have been unauthorized discharges of leachate and uncontrolled sediment from the facility. In particular, we noted the following:

- Leachate associated with composting operations appears to have been discharged outside the containment berm or otherwise breached the berm around the compost windrows. In addition, a drainage pipe established on the east end of the composting area may allow leachate to flow westerly across the property. The discharge of leachate is specifically prohibited by your composting permit.
- Soil is stockpiled over a large portion of the facility. While some runoff is collected in the existing retention basin, it appears that uncontrolled release of sediment have occurred and are continuing to occur due to the lack of adequate best management practices (BMPs), particularly along the northerly and westerly perimeter of the stockpile.

BMPs must be implemented to prevent the discharge of leachate and sediment from this facility. Practices may include berming, curbing and diking; installing additional sedimentation basin capacity; seeding areas of the stockpiled soil to limit soil runoff; collection of leachate for disposal at a wastewater treatment facility (with permission of the wastewater treatment plant operator); or storage of materials indoors or under cover so as to prevent the generation of leachate.

With the exception of pH, the facility utilizes North Coast Environmental Labs for analytical testing. The following deficiencies were identified:

- The pH calibration solutions were out of date and needed to be replaced. In addition, the facility must ensure that calibration data is recorded in a logbook.
- Chain of Custody (COC) forms received from North Coast must be completely filled out. A number of the COCs evaluated did not specify the sample type or the preservative used.

A review of the facility's electronic discharge monitoring reports (eDMRs) indicates that they are being "PIN'ed" by Mr. Tim Spevak of North Coast Environmental Labs. Pursuant to Part III of the NPDES permit, all reports submitted to the Director shall be signed and certified in accordance with the requirements of 40 CFR 122.22. As such, reports for companies can only be signed and certified by a corporate officer, general partner, proprietor, or by a duly authorized representative of said individual. Pursuant to 40 CFR 122.22 (b):

A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph (a) of this section;***
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and***
- (3) The written authorization is submitted to the Director.***

In general, laboratory personnel do meet the requirements specified above and, hence cannot certify, i.e. PIN, eDMRS. Information on obtaining a PIN and submitting the eDMRs is available online at: <http://www.epa.ohio.gov/DSW>

Please be advised, failure to comply with the monitoring or reporting requirements of your NPDES permit may be cause for enforcement pursuant to the Ohio Revised Code, Chapter 6111.

All supplemental information and/or corrective actions required by this letter must be submitted to this office as soon as practicable but by no later than July 1, 2012. This office anticipates drafting the renewal permit upon receipt and review of this information. A draft copy of the renewal permit will be sent under separate cover. Any comments regarding the draft permit must be submitted in writing during the public notice period.

If you should have any questions, please contact this office at (330) 963-1196.

Respectfully,



Ermelindo Gomes
Environmental Engineer
Division of Surface Water

EG/cs