



**Environmental  
Protection Agency**

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

July 19, 2012

**RE: LAKE COUNTY  
CITY OF EASTLAKE  
WAL-MART SUPERCENTER  
#1863-10  
CONSTRUCTION STORM WATER  
PERMIT NO: 3GC05531**

Mr. Mark S. Goldsmith, CPESC  
Wal-Mart Real Estate Business Trust  
Mail Stop 5570  
2001 SE 10<sup>th</sup> Street  
Bentonville, AR 72716

Mr. Daniel E. Frisbee  
Tri-C Construction Company Inc.  
1765 Merriman Road  
Akron, OH 44313

Dear Mr. Goldsmith and Mr. Frisbee:

On July 12, 2012, I performed a compliance inspection for storm water best management practices (BMPs) at the above referenced site. While on site I met with Bob Broeker, Project Superintendent of Tri-C Construction Company, Inc. Our records indicate that Wal-Mart Real Estate Business Trust has obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05531\*AG.

After review of the site and Storm Water Pollution Prevention Plan (SWP3), I noted the following violations of the NPDES permit:

1. There were many spills of oil and grease on the ground. These spills need to be cleaned up immediately after they occur. To prevent spills, conduct regular checks of equipment to ensure they are leak proof and functioning properly. If a leak does occur, place a drip pan underneath to contain the oil.
2. There are garbage bags, chemicals, and drums of oil sitting outside on the ground. Garbage must be disposed of in a solid waste dumpster. Oil and other chemicals should be kept inside to prevent contact or contamination with water. If the drums are too large to store inside, they may be placed in secondary containment.
3. There was a greasy equipment attachment lying on the ground. This should be taken off site if it will not be used again. If it needs to stay on site, a tarp should be placed over and around it to avoid contact with water.
4. The concrete washout dumpster appears to be leaking leachate onto the ground. To prevent this runoff from reaching the storm drains, the dumpster should either be covered with a tarp or lidded. It is also important that dumpsters are in good condition so that no pollutants leak from them.
5. The liner of the bricklayer's pit needs to be extended to the sidewalk so all the washwater is contained.

Mr. Mark S. Goldsmith, CPESC, Wal-Mart Real Estate Business Trust  
Mr. Daniel E. Frisbee, Tri-C Construction Company Inc.  
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You are directed to provide me with a letter of response indicating the actions that you have taken or will take to address the deficiencies noted above. Include any amendments to the SWP3 with your response. Your response must be received **no later than July 30, 2012**. Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07 and is punishable by fines.

If you have any questions, please contact me at (330) 963-1125 or by e-mail at [Katie.Bowman@epa.state.oh.us](mailto:Katie.Bowman@epa.state.oh.us).

Sincerely,



Katie Bowman  
Assistant to the District Engineer  
Division of Surface Water

KB/cl

Attachments: Photos

cc: Chad Edgars, Lake SWCD  
Bob Broeker, Project Superintendent, Tri-C Construction  
Ted Andrzejewski, Mayor, City of Eastlake

**INSPECTION PHOTOS**

**Wal-Mart Supercenter #1863-10**



**Figures 1&2: Oil and grease spills**



**Figures 3&4: Garbage and chemicals being stored outside. One bottle did not have a cap**



**Figure 5:** Drums of oil kept outside without secondary containment or a spill kit



**Figure 6:** Greasy machinery



**Figure 7:** Concrete washout dumpster with runoff on ground



**Figure 8:** Bricklayer's pit

Eastlake, Lake County  
Photos taken on July 12, 2012  
Photos taken by Katie Bowman, DSW