



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

July 19, 2012

RE: PORTAGE COUNTY
CITY OF KENT
INDUSTRIAL STORM WATER
DAVEY KENT NYPANO CO

NOTICE OF VIOLATION

Mr. J Thomas Myers
Davey Kent Nypano Co
200 West Williams Street
Kent, OH 44240

Dear Mr. Myers:

On June 25, 2012, this writer conducted an inspection of your facility, located at 200 West Williams Street, Kent, Ohio to determine compliance with the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Industrial Activity. As representatives of Davey Kent Nypano Company, Roy Basham and yourself were present during the inspection as well.

Storm Water Pollution Prevention Plan (SWPPP)

During my inspection, it was noted that this facility has not developed an SWPPP. **Please note that this is a violation of the NPDES permit.** For facilities in existence prior to April 1, 1993, the SWPPP was required to be developed and implemented by April 1, 1993. For facilities in existence after this date, a SWPPP was required to be completed and implemented within 180 days of initial NPDES permit coverage. Thus, Davey Kent Nypano Co is required to already have and implement an SWPPP. Part 5 of NPDES permit #OHR000005 required you to update the SWPPP within 180 days of the effective date of the permit, i.e., no later than July 1, 2012.

Failure to comply with the NPDES permit is a violation of Ohio Revised Code (ORC) 6111.04. Violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation. Davey Kent Nypano Co will remain in violation of ORC 6111 until an SWPPP is developed, implemented and submitted to Ohio EPA.

Guidance on developing the SWPPP is available from our website at:

http://www.epa.ohio.gov/dsw/permits/GP_IndustrialStormWater.aspx

Please refer to Part 5 of the NPDES permit for the required contents of the SWPPP. However, in general, the plan should contain a site map that shows the storm water drainage system and points of discharge from your site, the location of possible contaminants to storm water, location of all surface water bodies, and any best management practices (BMPs) that are currently in place or that must be implemented to address pollutant sources. The plan must also provide annual storm water training for pertinent employees and verification that training was conducted with the employees. You are also required to conduct quarterly visual monitoring of your storm water discharges beginning the third quarter of 2012, and depending on your Standard Industrial Classification (SIC) Code, you may have further sector-specific

requirements found in Part 8 of the NPDES permit. Refer to Table D-1 in Appendix D of the NPDES permit to determine your subsector for Part 8. The SWPPP must include controls for any additional BMPs and benchmark monitoring that is required of your subsector.

In addition to noting this violation, I provide the following comments concerning your site and observations made during the site inspection:

General

1. This site is the location of Davey Kent Nypano Company, a company that manufactures drilling equipment for the geotechnical and foundation drilling industries.
2. All the storm sewer drains on site flow north to the city of Kent's municipal storm sewer system and emptying into the Cuyahoga River.
3. Floor drains inside the facility are connected to the storm sewer system.

Inspection Observations

1. There are oil drums being stored inside the facility. A secondary containment tray must be provided to the oil drums that are in the process of being loaded or unloaded to prevent any spills to come in contact with the floor. The drums not being used do not require secondary containment only if the drums are sealed closed. Secondary containment must be provided whenever the seal is broken.
2. Some metal shavings from the shavings bin, inside the facility, have been spilled on the floor. Implement good housekeeping practices to make sure the shavings are always swept up and the floor is clean of metal shaving debris.
3. Along the northwest face of the building, sealed used oil drums are being stored outside. There is evidence of oil leaking from the drums (Figure 1). The facility indicates that no loading or unloading of the drums occurs outside. It is possible some of the drums could be leaking. Inspect each drum for leaks and, if discovered, provide secondary containment or dispose of the drum properly into the waste disposal. Also, please be aware that any container holding used oil must be clearly labeled "Used Oil".
4. Two scrap dumpsters, also along the northwest face of the building, are uncovered. One holds metal scrap and the other holds metal shavings. There is no presence of any residual oils in the dumpsters, but there is the presence of rusting metal. The facility indicates that they use a water-based coolant when cutting the metal. There are holes in the dumpsters. The dumpsters must be covered with a lid or tarp to prevent the collection of storm water and the formation of leachates.

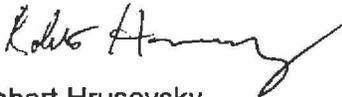
Action Items

- Develop and implement an SWPPP. Submit a copy to Ohio EPA, Northeast District Office, Division of Surface Water.
- Provide secondary containment to oil drums being loaded or unloaded in the facility.
- Make aforementioned improvements to leaking used oil drums outside.
- Cover scrap dumpsters with a lid or tarp.
- Continue to implement good housekeeping practices throughout the facility.

You are directed to provide me with a letter of response indicating the actions you will take to address the concerns and violations noted above. Please provide me with a letter of response along with a copy of your newly created SWPPP no later than August 17, 2012.

If you should have any questions concerning this letter, feel free to contact me at (330) 963-1128 or by e-mail robert.hrusovsky@epa.state.oh.us. You can also contact Dan Bogoevski, District Engineer, Division of Surface Water at (330) 963-1145 or by e-mail at dan.bogoevski@epa.state.oh.us.

Sincerely,



Robert Hrusovsky
Assistant to the District Engineer
Division of Surface Water

RH/cs

cc: Roy Basham, Davey Kent Nypano Co
Gene Roberts, Service Director, City of Kent

INPSECTION PHOTOS
June 25, 2012
Portage County



Figure 1
Oil stains from used oil drums