



**Environmental
Protection Agency**

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

Re: **Notice of Violation**
Putnam County
Industrial Storm Water
Unverferth Manufacturing Company Inc.
Facility ID No. 2GR01559

September 28, 2012

Mr. Larry Unverferth
Unverferth Manufacturing Company Inc.
601 South Broad Street
Kalida, Ohio 45853

Dear Mr. Unverferth:

On September 17, 2012, Ryan Gierhart and I inspected Unverferth Manufacturing Company Inc., located at 601 South Broad Street, Kalida (photos taken). The purpose of our visit was to evaluate compliance of the site with the National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with industrial activity (a.k.a. Multi-Sector General Permit, or MSGP). Authorization to discharge under the MSGP was granted April 13, 2012. Mr. Greg Steinecker, Environmental/Safety Specialist, was present to provide information. As a result of the inspection, I have the following comments:

1. The facility manufactures farming equipment. It has a primary SIC code of 3523, Farm Machinery and Equipment. Industrial activities with potential exposure of pollutants to storm water include: material transfer to and from garbage and scrap metal roll-offs, as well as the slag bin (uncovered); outside parts and equipment storage; air pollution control equipment (dust collectors); fueling; and discharges from the secondary containment around the gas and diesel fuel tanks.
2. A Storm Water Pollution Prevention Plan (SWP3) was not available. *Failure to develop and implement an SWP3 is a violation of Section 5 of the permit.* An SWP3 must be developed. Details on the required contents of an SWP3 can be found in the current permit at: http://epa.ohio.gov/dsw/permits/GP_IndustrialStormWater.aspx. A template for developing an SWP3, sample record keeping forms, and a sample Annual Report form for the MSGP can also be found at the above web page. I recommend reviewing the MSGP. Sections 1 through 7 pertain to all facilities. Section 8 Subpart AB1 describes specific requirements for your industry.

3. Quarterly Visual Assessments are required by the permit and have not yet been performed. A grab sample from each outfall (some exceptions are noted in the permit) must be taken each calendar quarter from each outfall. Samples are to be collected within the first 30 minutes of discharge and on discharges that occur at least 72 hours from the previous discharge. Samples must be assessed for color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of pollution. *Failure to conduct and document quarterly visual assessments of your discharge is a violation of Sections 4.2.1 and 4.2.2 of the permit.* You must begin quarterly visual assessments immediately. Videos showing how to perform sampling may be viewed at: http://epa.ohio.gov/dsw/permits/GP_IndustrialStormWater.aspx. Additional sampling guidance can be found at: http://www.epa.gov/npdes/pubs/msgp_monitoring_guide.pdf.

The NPDES permit requires that the SWP3 describe and ensure implementation of storm water controls. These controls must address several different components of facility operations that are listed in the permit. Storm water control implementation issues were noted for the following facility operations:

4. Minimize Exposure – The MSGP requires that you minimize exposure of manufacturing, processing, and material storage areas to precipitation by either locating industrial activities and materials inside, protecting them with a storm resistant covering, or using controls that prevent the runoff of contaminated precipitation. Only one of the roll-offs (labeled Omni-Source) was covered. The rest were uncovered, including the slag bin. *This is violation of Section 2.1.2.1 of the permit.*
5. Good Housekeeping - This item requires BMPs that result in the maintenance of a clean, orderly facility. I observed some debris and what appeared to be rust on the ground by the roll-offs on the east side of the site. Particulate matter and debris were present on the pavement by the dust collectors. *This is a violation of Section 2.1.2.2 of the permit.* Increased visual monitoring, sweeping, and better housekeeping are recommended for these areas.
6. Non-Storm Water Discharges - I observed a slight sheen on the water in the catch basin outside of Machine Shop/Old Wash Bay. A very slight sheen was observed at the storm sewer outfall to the roadside ditch along County Road 18. A heavy sheen was observed in the catch basin near the Argon Tank and the above ground fuel tanks. *A non-storm water discharge is a violation Section 2.1.2.10 of the permit.* Mr. Steinecker was advised to place spill response materials to absorb the sheen and to investigate the source. As required by Part 2.1.2.3 of the permit, you must regularly inspect, test, maintain and repair all equipment and systems to avoid situations that may result in releases. I recommend assessing the integrity of any oil/water separators or holding

tanks as part of your investigation. Releases to the ditch must be reported to Ohio EPA's Emergency Response Hotline at 1-800-282-9378. With your response to this letter, please submit a description of your investigation of the source of the sheen and any corrective actions taken in accordance with Section 3 of the permit.

7. Spill Prevention and Response - The permit requires the implementation of controls for the prevention and clean-up of spills. This includes material handling procedures, storage requirements, and clean-up procedures. The SWP3 needs to include readily accessible contact information for individuals or agencies that must be notified in the event of a spill, such as local emergency response agencies, the National Response Center, and Ohio EPA's Spill Hotline (see Section 2.1.2.4 of the permit). The diesel and gasoline tanks had secondary containment. It is my understanding that the procedure to handle storm water that accumulates within secondary containment is to pull the drain cap and discharge into the storm sewer. The SWP3 must include procedures for assessing water that collects within the containment areas before it is drained. If a sheen is observed, absorbent pads may be used to remove the sheen before water is released or the water must be disposed of as a waste.
8. Erosion and Sediment Controls - There was a newly paved area on the northeast side of the buildings. It appeared to have been seeded and mulched. There was some grass growth, but it appeared sparse and may require reseeding. A bare earthen berm was located on the west side of the site. This area must be stabilized within seven days of the date on this letter. *The failure to stabilize exposed areas is a violation of Section 2.1.2.5. of the permit.*

The plant expanded to the west around 2008/2009. Our files contain a June 4, 2008, letter from Dana Martin-Hayden to Greg Steinecker explaining that NPDES Construction General Permit (CGP) coverage for storm water discharges associated with construction activities was required for the project, as well as post construction storm water management controls. I do not see a response letter in the file or have documentation that CGP coverage was obtained. While onsite, I did not see any evidence of post construction storm water management controls. I spoke with Mr. Steinecker by phone on September 25, 2012. He was not aware of obtaining CGP coverage or having installed any post construction storm water controls. *Failure to obtain NPDES coverage for this discharge is a violation of Ohio Revised Code 6111.* If this is incorrect, your response to NWDO must indicate the reasons, along with a scaled site map showing the limits of disturbance for the entire project, or a copy of your approval letter granting coverage under the CGP.

The CGP requires permanent structural post-construction storm water management controls be installed to treat the water quality volume (WQv) and ensure compliance

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with Ohio's Water Quality Standards in Ohio Administrative Code 3745-1. An additional volume equal to 20% of the WQv shall be incorporated into the BMP for sediment storage and/or reduced infiltration capacity. Drain times shall meet those in Table 2 of the CGP. In your reply to this letter, please include your plans to meet this requirement.

9. Inspections - The MSGP requires at least quarterly routine documented inspections of all areas of the facility where industrial activities or materials are exposed to storm water and of all storm water control measures used to comply with this permit. At least one inspection must occur when storm water is discharging from your site. Unverferth does not currently have a documented inspection procedure for storm water controls. *Failure to routinely inspect and document findings is a violation of Sections 4.1.1 and 4.1.2 of the permit.* You must begin quarterly routine inspections immediately.
10. Employee Training – The MSGP requires at least annual employee training of all employees who work in areas where industrial activities or materials are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g. inspectors, maintenance personnel). Employee training has not been conducted or documented. *This is a violation of Section 2.1.2.9 of the permit.* With your response to this letter, please provide a training schedule for your employees to meet this requirement.

Within 30 days of the date on this letter, please submit to this office **written notification** as to the actions taken or proposed to address the compliance issues. Your response should include the dates, either actual or proposed, for the completion of the actions. It must also include a written certification that an SWP3 has been developed. If there are any questions, please contact me at (419-373-3009) or lynette.hablitzel@epa.state.oh.us.

Sincerely,



Lynette M. Hablitzel, P.E.
Division of Surface Water
Storm Water Section

/jlm

cc: Mr. Greg Steinecker, Environmental/Safety Specialist, Unverferth Manufacturing Co., Inc.
Ryan Gierhart, DSW, NWDO
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