



**Environmental  
Protection Agency**

John W. Kasich, Governor

Mary Taylor, Lt. Governor

Andrew R. Roth, Director

August 29, 2012

RE: CUYAHOGA COUNTY  
CITY OF CLEVELAND  
SHELLY LIQUID CLEVELAND TERMINAL  
NPDES PERMIT NO. OH0140341  
OHIO EPA PERMIT NO. 31100198

Mr. John Rizzo, Manager  
Shelly Liquid Division - Cleveland Terminal  
101 Mahoning Avenue  
Cleveland, OH 44113

Dear Mr. Rizzo:

On August 1, 2012, this office met with you to conduct an inspection of the above-referenced facility. The purpose of the inspection was to evaluate the facility's compliance status with respect to the terms and conditions of the above-referenced National Pollutant Discharge Elimination System (NPDES) permit.

The Cleveland facility is a liquid asphalt terminal. The liquid asphalt (cement) is delivered by barge or by truck and is transferred to three bulk storage tanks. The liquid asphalt can be mixed with either an emulsifier to produce a liquid binder or acid to make various grades of paving asphalt. These products are stored on site in nine storage tanks and shipped out via trucks.

The site, which borders the west side of the Cuyahoga River, is bermed alongside the river. This prevents any sheet flow of water to the river. Two sump pumps, located within the diked area of the three bulk storage tanks, pumps storm water onto the permeable surface to the rear of the property. A small diameter pipe located across from the office building and along the northern property line drains storm water to the Cuyahoga River, via Outfall 001.

A product of this facility is emulsified asphalt. The discharge of process wastewater pollutants is subject to the existing federal effluent limitation guideline, 40 CFR 443, Paving and Roofing Materials (Tars and Asphalt) Point Source Category, Subpart A-Asphalt Emulsion Subcategory. Process wastewater pollutants, per this guideline, include pollutants present in any process wastewater as well as storm water runoff.

At the time of the inspection the facility appeared to be well maintained and operated. No visible oil sheen was observed at either Outfall 001 or at the barge dock area.

Discharge monitoring reports (DMR) received by Ohio EPA for the period January 2011 through July 2012, were reviewed for compliance with the final effluent limitations and monitoring requirements of the NPDES. The specific violations are as follows:

| Reporting Period | Station | Parameter                 | Limit Type | Limit | Reported Value | Violation Date |
|------------------|---------|---------------------------|------------|-------|----------------|----------------|
| April 2011       | 001     | Oil and Grease,<br>Hexane | 1D<br>Conc | 10    | 13.            | 4/5/2011       |
| May 2012         | 001     | Oil and Grease,<br>Hexane | 1D<br>Conc | 10    | 19.            | 5/15/2012      |

As required by the NPDES permit, noncompliance notification letters were submitted on May 12, 2011 and June 26, 2012 by Ms. Susanne Hanf, addressing the reasons for the referenced violations and the actions taken to prevent recurrences. No additional information is required at this time.

Please be advised that failure to comply with the terms and conditions of your NPDES permit may be subject to enforcement actions, pursuant to Chapter 6111 of the Ohio Revised Code. Such actions can result in fines of up to \$10,000 per day of violation.

On August 21, 2012, this office received the NPDES permit renewal application for the facility. Comments regarding the application review, as well as public-noticed 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/kss

cc: Susanne Hanf, Environmental Engineer, Shelly Liquid