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

November 6, 2012

RE: GEAUGA COUNTY
HAMBDEN TWP.
INDUSTRIAL STORM WATER
CHARDON HAULING
PERMIT NO: 3GR01456

NOTICE OF VIOLATION

William Skidmore
Waste Management of Ohio Inc.
10237 Cutts Road
Chardon, OH 44024

Dear Mr. Skidmore:

On October 23, 2012, I performed a compliance inspection for storm water best management practices (BMPs) at the above referenced facility located at 10237 Cutts Road. While on site, I met with Bill Skidmore, senior district manager, and Rob Harding, fleet manager. Beth Shiverdecker, environmental protection manager, joined us via telephone. My inspection was conducted in response to a complaint received by our Division of Drinking and Groundwater on September 4, 2012. The complainant expressed concerns about discharges of oil to the storm sewer system due to the excessive application of a dust suppressant. The complaint was referred to the Division of Surface Water (DSW) for follow-up.

Our records indicate that this facility is required to comply with the Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Industrial Activities #3GR01456*DG. The facility is best described by Standard Industrial Classification (SIC) Code 4212 and is a Sector P1 transportation facility. It is used for vehicle and equipment maintenance, including fueling, repair and vehicle washing. In addition, garbage trucks, waste, and recycle bins are staged here.

A Word About Storm Water Outfalls

The Storm Water Pollution Prevention Plan (SWPPP) identifies two storm water outfalls from areas of industrial activity. Outfall 001 discharges to the west across Cutts Road to an unnamed tributary of Cutts Creek. This outfall is located near the entrance to the office building. Outfall 002 discharges to a different unnamed tributary of Cutts Creek via the Hambden Twp municipal separate storm sewer system (MS4) along Cutts Road. This outfall is located near the north end of the property.

I also observed a third outfall, the underdrain from the turfed bioretention cell. This outfall discharges to the Hambden Twp MS4 just upstream of Outfall 002. This outfall is not identified on the SWPPP. Mr. Skidmore indicated that no runoff from areas of industrial activity is tributary to the bioretention cell. On the date of inspection, recycle bins and other such waste bins were observed stored within the drainage area of the bioretention cell (see Fig 10). To

confirm the intent of the bioretention cell, I contacted the Geauga County Soil & Water Conservation District (SWCD). Geauga SWCD indicates that an existing house on Parcels 15-056400 and 15-056500 was torn down and the facility expanded to accommodate Waste Management's needs. The bioretention cell was installed to treat sheet flow runoff from the expansion area. The site map contained in the industrial SWPPP identifies this area as the Container Storage Area, i.e., an area of industrial activity. As such, this outfall must be identified in the SWPPP and is subject to quarterly visual monitoring requirements. Please amend the SWPPP accordingly. If runoff from the expansion area is not draining to the bioretention cell as intended, it may mean that the expansion area is not graded as intended and action is necessary to convey the intended runoff to the intended treatment practice.

Site Inspection

My inspection of the site revealed an oil sheen and stained vegetation at Outfall 002 (see Fig 1 & 2). Further, I observed oil absorbent booms across the Hambden Twp MS4 that were stained gray-black in color indicating discharges of petroleum-containing storm water runoff (see photos). On October 30, 2012, Wade Balser of our Division of Environmental Response and Revitalization (DERR) visited the site in response to a call to our spill hotline. Mr. Balser also observed an oil sheen at Outfall 002. Both inspections were made during or shortly after storm events.

These observations reveal the following violations of the NPDES permit:

- **Failure to implement spill prevention and response procedures to minimize the release of oil in storm water discharges.** This is a violation of Part 2.1.2.4 of the NPDES permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. The facility was able to demonstrate that employee training on storm water pollution prevention and spill response has been provided as required. Further, it was noted that the facility has installed oil-absorbent pillows inside catch basins, runoff from the diesel fuel island and truck parking pad is directed to oil-water separators and that oil-absorbent booms have been placed across outfalls. However, these measures do not appear to be sufficient to minimize the release of oil from the facility. Issues noted included the following:
    - Stains of petroleum-based products were observed outside the Maintenance and Parts Storage building and near the 6,000-Gallon On-Road Diesel AST. Employees must be held accountable to implement spill response procedures properly and in a timely manner.
    - The booms and pillows were often placed in such a way that they would not maximize contact with runoff, and thus minimize the discharge of oil (see Fig 3). The facility should consider retrofitting certain catch basins with inserts designed to remove oil and grease.
    - The SWPPP map indicates that floor drains within the Service Bay and Maintenance and Parts Storage areas connect to the storm sewer system. These drains provide a pathway for pollutants that is not identified within the SWPPP. Part 8.P.3.1.5 of the NPDES permit prohibits the use of wet clean-up methods of these areas as this will result in a discharge of pollutants to the storm sewer system. Ohio EPA recommends that floor drains within vehicle maintenance areas be permanently capped.
    - Vehicle washing was occurring in an area not designated in the SWPPP and observations were made that indicate that not all wastewater generated by vehicle washing is being collected in the designated sump (see Fig 5 & 9).

- It appears that dust suppressant applied at this facility on at least two occasions this year is contributing to the release of oil from the facility. The dust suppressant, Petro-Tac, was applied to the yard on April 25, 2012, and September 4, 2012. The Material Safety Data Sheet (MSDS) for Petro-Tac indicates that it contains petroleum residues and a soap emulsifier. These constituents can be mobilized from the site by storm water or due to improper application and cause the sheens observed. It should be noted that the complaint was received on the date that this dust suppressant was last applied.

Take all steps necessary to terminate the release of oil from your facility and prevent further migration of oil to the Hambden Twp MS4 and the unnamed tributary of Cutts Creek. You are advised to discontinue the use of petroleum-based dust suppressants and use a light spray of water or non-petroleum soil binders. The dust suppressant chosen should be assessed for its potential impact on storm water runoff.

- **Failure to implement erosion and sediment control to minimize onsite erosion and sedimentation and the resulting discharge of pollutants.** This is a violation of Part 2.1.2.5 of the NPDES permit and ORC 6111.04 and 6111.07. Observation of the catch basins in the yard indicates a significant amount of soil erosion is occurring. Some storm sewer piping was nearly filled with sediment and stone (see Fig 4). The yard itself is a significant source of sediment (Fig 9 & 13). Sediment accumulated in the storm drainage system should be removed and stabilized. Measures must be taken to prevent or minimize soil erosion. Measures may include, but are not limited to: (a) redressing the yard with fresh stone and gravel, (b) paving drive lanes or other key traffic areas, (c) directing runoff through a sediment basin, or (d) installation of storm drain inlet protection. Paving may also make it easier to clean up spills and help minimize oil releases.

  Part 5.5 of the SWPPP indicates that the yard will be re-graveled as needed based on the results of the monthly inspections. The need to address erosion from the yard was not identified during the Comprehensive Site Evaluation conducted on July 12, 2012. When questioned about the condition of the yard, Mr. Skidmore indicated that the yard had not been redressed with gravel in some time. Our records indicate that it has been 19 years since the yard was substantially rebuilt. Thus, either this BMP is not being implemented or those conducting storm water inspections for the SWPPP require additional training in sediment and erosion control.

- **Failure to minimize exposure of disposal areas to rain, snow, snowmelt and runoff by either locating these materials inside or protecting them with storm water resistant coverings.** This is a violation of Part 2.1.2.1 of the NPDES permit and ORC 6111.04 and 6111.07. At least two bins containing waste were observed to be exposed to storm water (see Fig 11 & 12). One bin was corroded and allows discharges of leachate onto the ground, and the other was not lidded or tarped allowing storm water to contact waste and create leachate. All bins containing waste must be lidded, tarped or stored indoors to minimize exposure to storm water. Further, the facility serves as a storage yard for waste bins. Although most bins observed are lidded or have doors that can be closed to prevent contact between storm water and any residual materials contained within the waste bins, on the date of inspection, the lids and doors of many bins were open. The facility indicated that standard practice is to keep lids and doors

closed, and the condition observed was due to the storm that just passed through the area. Conducting an inspection of waste container storage areas after significant storm events, or providing latches for lids are additional BMPs that can be implemented to address this potential pollutant source.

Storm Water Pollution Prevention Plan (SWPPP)

As part of this inspection, Ohio EPA reviewed the SWPPP and associated records required by the NPDES permit. The facility had a copy of the SWPPP on site and was able to produce reports documenting monthly routine facility inspections, the annual comprehensive site inspection, quarterly visual monitoring of storm water discharges, and annual employee training. Ohio EPA offers the following comments on the SWPPP:

- The Site Map is inconsistent with conditions observed on site. As previously indicated, at least one outfall has not been identified, vehicle washing does not occur in the area identified on the SWPPP map, and the sump, wastewater holding tank and capped floor drain in the vicinity of vehicle washing are not identified on the site map. In fact, in regards to the sump, the SWPPP map shows this is not a sump, but a floor drain and indicates that it is tributary to Outfall 001. Please be aware that Part 8.P.2.1 of the NPDES permit prohibits the discharge of vehicle and equipment wash water. Part 8.P.3.1.4 of the NPDES permit requires you to ensure all vehicle and equipment wash water drains to a proper collection system and not the storm water drainage system.

- The Site Map does not provide the size of the property, in acres, does not show or identify the location of receiving waters and does not identify the MS4 to which the site discharges. The site map should be amended to provide this information and give indication that Outfall 002 discharges to the Hambden Twp MS4 and subsequently to the unnamed tributary of Cutts Creek. The distance between Outfall 002 and the receiving stream should also be indicated.

- Although the Site Map indicates the location of container storage areas, it does not show the location of waste bins used to store waste generated by your facility. Please add this information to the Site Map.

- Where the SWPPP references the Spill Prevention and Countermeasure Control (SPCC) Plan for spill response procedures, a copy of the SPCC plan is to be kept with the SWPPP. The SWPPP should identify the location within the facility where the SWPPP and SPCC plan are to be kept.

- Section 2.3 of the SWPPP includes annual employee awareness training of the SWPPP. Please be aware that Part 8.P.3.2 of the NPDES permit requires employee training to address the following: used oil and spent solvent management, fueling procedures, general good housekeeping practices, proper painting procedures and used battery management. Section 2.3 of the SWPPP should indicate that these topic areas must be included in employee training.

- Ohio EPA did not receive a copy of the appendices referenced in the body of the SWPPP. Appendix F is described as a list of potential pollutant sources specific to the operations of this facility. Please ensure that this list includes the yard itself and , if you are going to continue to apply dust suppressants, the application of dust suppressant

.The SWPPP should describe the type of suppressant allowable and guidelines for its application so as to prevent the discharge of pollutants to the storm water drainage system.

- Section 4.2 does not identify inside floor drains as a potential pathway for storm water pollution as required by Part 8.P.4.2 of the NPDES permit. If you do not intend to permanently cap floor drains, this pathway must be identified within the SWPPP and control measures contained in Section 5.0 must address this pathway.

- Part 5.1.3.3 of the NPDES permit requires the facility to document where all potential spills and leaks could occur that could contribute pollutants to storm water discharges and the corresponding outfall that would be affected. Section 4.3 of the SWPPP does not provide this information. Please add this information to Section 4.3 of the SWPPP.

- Part 8.P.4.3 of the NPDES permit requires the SWPPP to document the good housekeeping practices implemented at the facility. A review of Section 5.2 of the SWPPP shows that it does not provide sufficient detail to identify specific good housekeeping tasks, the schedule by which to conduct them and party(ies) responsible to complete the tasks. Please provide this detail in the SWPPP. It Is my understanding that the facility uses a computer-based maintenance reminder system. Good housekeeping chores could be added to the system to improve implementation.

- Please be aware that an SPCC plan is only applicable to oil spills. There may be spills at your facility that may not be addressed by the SPCC plan, e.g., anti-freeze. Please evaluate potential pollutant sources at your facility to determine if additional narrative is required in Section 5.4 of the SWPPP to provide spill prevention and response procedures for pollutant sources not addressed by the SPCC plan.

- Section 5.6 of the SWPPP does not provide an indication of where the oil-water separator for the fuel island discharges. The Site Map indicates flow into the oil-water separator, but not out of the separator. Please clarify how this oil-water separator operates and where storm water that enters the structure is ultimately discharged.

- Section 5.8.1.4 of the SWPPP describes vehicle and equipment washing procedures. Please note that Part 8.P.4.4 of the NPDES permit requires you to attach documentation to the SWPPP that identifies the volume of wastewater generated by washing procedures, the frequency with which is hauled off-site for disposal and identify the location where it is disposed. The body of the SWPPP does not provide the required information and we did not receive all appendices and attachments for review. Please clarify if you are keeping these required records. If you are keeping the required records, please submit the records for 2012. If you are not keeping the required records, please begin doing so immediately.

- Section 6.2.1 of the SWPPP indicates that routine facility inspections will occur at least monthly. Section 5.0 of the SWPPP specifies inspection frequency of specific areas, typically stated as "regularly". It is unclear if these inspections are the monthly routine facility inspections required by Part 4.1.1 of the NPDES permit or if these are intended to occur more (or less) frequently. Please clarify the language in Section 5.0 of the

SWPPP to show how those inspections relate to the inspection requirements contained in Section 6.2 of the SWPPP.

- Section 6.2.1 of the SWPPP should be rewritten to require the inspection of the following areas: storage areas for vehicles/equipment awaiting repair, fueling areas, indoor and outdoor vehicle and equipment maintenance areas, material storage areas, vehicle/equipment cleaning areas and loading/unloading areas. This change is required to comply with Part 8.P.5 of the NPDES permit.

Please review these comments and amend the SWPPP as needed to address them. Submit a copy of the revised SWPPP for our records.

You are directed to provide me with a letter of response indicating the actions taken to address the violations of the NPDES permit and a copy of the revised SWPPP as requested above. Your response must be received **no later than November 26, 2012**. For corrective actions not yet completed by this date, please indicate your intended action(s) and date(s) by when the action(s) is/are expected to be completed. Corrective action should be completed as expeditiously as possible to prevent the escalation of enforcement action. Violations of ORC 6111 are punishable by fines of up to $10,000 per day of violation.

If you have any questions, please contact me at (330) 963-1145.

Sincerely,

Dan Bogoevski

Dan Bogoevski
District Engineer
Division of Surface Water

DB/cs

cc: Carmela Shale, Geauga SWCD
Trustees, Hambden Twp

ec: Beth Shiverdecker, Waste Management
Mohammed Ali, Waste Management
Wade Balser, Ohio EPA, DERR, NEDO

CHARDON HAULING
Hambden Twp Geauga County

Photos Taken: October 23, 2012
By: Dan Bogoevski, DSW, NEDO

Fig 1 & 2. An oil sheen and stained vegetation are visible in the Cutts Road ditch at Outfall 002. Note that oil absorbent booms are stained indicating a release of oil from the outfall.

Fig 3 (LEFT). Inside the catch basin outside the Maintenance and Parts Storage door. An oil absorbent pillow has been placed inside the catch basin, but the pillows may not be making contact with water flow.

Fig 4 (RIGHT). Inside the catch basin nearest the 6,000 gallon on-road diesel AST. Note that piping within the catch basin is nearly filled with sediment.

Fig 5 (LEFT). French drain inside the service bay is receiving discharges that appear to be associated with vehicle washing. The SWPPP indicates that this drain is tributary to Outfall 001.

Fig 6 (ABOVE). Vehicle washing occurs inside, but not in the area marked "Wash Bay" on the SWPPP. There is a "sump" and capped floor drain in this area. The SWPPP map does not show the location of either of these BMPs.

Fig 7 & 8. Wastewater from vehicle washing enters this sump (LEFT) and is pumped to a holding tank (RIGHT) for subsequent disposal at the Bedford WWTP.

Photos Taken: October 23, 2012

Fig 9 (LEFT). Sediment and overspray from vehicle washing is discharged down the north entrance gate to the yard. Runoff is tributary to Outfall 001.

Fig 10 (RIGHT). The turfed bioretention cell was installed to treat runoff from the container storage area. Note that containers are stored within its tributary drainage area and thus, this outfall receives runoff associated with industrial activity.

Fig 11 & 12. Although most containers stored here are empty, there are several that do contain waste. Note that the container on LEFT is leaking leachate. The container on the RIGHT is uncovered allowing storm water to contact waste and create leachate.

Photos Taken: October 23, 2012

Fig 13 (LEFT). The yard is a major source of sediment to the storm sewer system. No sediment or erosion controls are being implemented to minimize this pollutant source.

Fig 14 (ABOVE). Fuel Pump area is curbed and drains into an oil-water separator.

Fig 15. The Truck Parking Pad is curbed and drains into an oil-water separator.