



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

November 29, 2012

RE: PM MAINTENANCE/LINCOLN RECYCLING
ASHTABULA TWP., ASHTABULA CO.
OHIO EPA PERMIT 3GV00020
COMPLIANCE EVALUATION INSPECTION

NOTICE OF VIOLATION

CERTIFIED MAIL

Christopher Altier, Esq
Cook Road Real Estate Co., LLC
PM Maintenance
3503 Carpenter Road
Ashtabula, Ohio 44004

Dear Mr. Altier:

On November 29, 2012, a site inspection was conducted at the above referenced facility located at 1919 Cook Road, Ashtabula Township, Ashtabula County. The Lincoln Recycling (formerly River Valley Recycling) facility is currently owned by Cook Road Real Estate Co., LLC, formerly Peter A. Mauro d.b.a. PM Maintenance. The inspection was conducted by John Schmidt of this office, and John Faulkerson represented River Valley Recycling. Nobody represented PM Maintenance or Cook Road Real Estate Co., LLC during the inspection. The purpose of the inspection was to evaluate each facility's compliance status with respect to Ohio Revised Code (ORC), Chapter 6111, and the terms and conditions of the above-referenced National Pollutant Discharge Elimination System (NPDES) permit and in conjunction with the renewal of said permit. The last inspection was conducted on September 26, 2011.

The existing sanitary wastewater system at the facility operates under expired NPDES Permit No. 3GV00020*AG issued on March 11, 2008. The late Peter Mauro applied for coverage under the general NPDES permit for an onsite discharging existing wastewater disposal system, which does not meet best available demonstrated control technology (BADCT). A Notice of Intent (NOI) was issued by Ohio EPA for coverage under Ohio EPA general permit No. 3GV00020*AG on March 11, 2008. Your tenant, River Valley Recycling, utilizes sanitary facilities consisting of a toilet and two wash sinks.

Observations and Notations

The following observations and notations were made during the inspection:

1. This facility is an active scrap metal recycling facility that has been open since April 2008. The 12,936 SF building is a former warehouse constructed in 1990, according to records maintained by the Ashtabula County Auditor.
2. According to Ashtabula County Auditor records, the property was transferred from Peter A. Mauro to Cook Road Real Estate Co. LLC on August 29, 2008.

3. The metal crushing operations have been relocated under a canopy along the east side of the building. John Faulkerson has replaced Dave Gezymalla as the site manager. No other changes to facility operations have been made since the September 26, 2011 inspection.
4. Scrap metals and waste materials are staged at various locations both inside and outside the building in various stages of processing and recycling.
5. Lincoln's Storm Water Pollution Prevention Plan (SWPPP) was prepared in April 2011, with training conducted on June 24, 2011. The annual inspection and certification were conducted on June 24, 2011. The plan must be revised to reflect personnel changes (Mr. Faulkerson replacing Mr. Gezymalla), and that the SWPPP must reflect that it was examined at least annually for any changes, and if changes are warranted those changes made. Training, inspection, and certification must also be conducted at least annually. Mr. Faulkerson stated that the plan would be revised as soon as possible, training is scheduled for November-December 2012, and the annual inspection/certification would be completed before December 31, 2012. **Lincoln must provide documentation that these items have been completed prior to December 31, 2012.**
6. A storm water inspection of the facility was conducted by Chris Moody of this office on July 5, 2012, and is documented in a July 31, 2012 Notice of Violation (NOV). Storm water issues with Lincoln's operations are being addressed by Lincoln and their consultant. Therefore, the focus of this letter is the sanitary system serving the facility only.
7. Floor drains to the sanitary wastewater treatment system are sealed.
8. Mr. Faulkerson referred any questions regarding the sanitary system raised during the November 28, 2012 inspection to the facility's landlord.
9. Ohio EPA Permit 3GV00020*AG under general permit 5PGV0001 for the existing sanitary wastewater treatment system expired on December 31, 2009. A review of Ohio EPA's database for general sanitary permits shows that the 1915-1919 Cook Road location is not covered under a current general or individual sanitary discharge permit.
10. Ohio EPA notes that PM did not submit analytical data in 2009, 2010, 2011, and 2012 as prescribed by PM's expired NPDES permit, and that Ohio EPA central office and northeast district office have notified PM via separate letters of that fact.

Facility Compliance

With respect to compliance with ORC 6111 and your issued NPDES permit, Ohio EPA notes the following:

This facility's sanitary wastewater treatment system is regulated under Ohio EPA's general permit for facilities that cannot meet best-available demonstrated control technologies (non-BADCT). The purpose of the non-BADCT permit is to provide a compliance schedule to upgrade an existing system so that it is able to meet current design standards. Part III of the expired permit contained a compliance schedule based upon the date Mr. Mauro applied for coverage under that permit. Specific dates for your compliance schedule from the date that PM Maintenance applied for coverage under the permit (February 20, 2008), include submitting

detail plans to upgrade the system to meet current requirements within six months of applying for coverage (August 20, 2008), advertizing for bids, commencing construction on the wastewater treatment plant upgrades (August 20, 2009), completing construction within 30 months (August 20, 2010), and attaining effluent limits within 36 months (due February 20, 2011). Annual data was required to be submitted to Ohio EPA, and yet no data has ever been submitted. **The lack of submitted data, failure to submit plans for improvement of the existing system, and failure to upgrade the system to best-available technology has placed this facility in significant noncompliance.**

On November 10, 2011, you have responded on behalf of Cook Road Real Estate Co., LLC that a portion of the property has been sold to a new owner and that the new owner plans to expand sanitary sewers near U.S. 20 to the area eliminating the need for the current system you acknowledged is not in present compliance. You provided no dates when Ohio EPA can expect to receive a permit-to-install (PTI) for the sewer extension. To-date no PTI has been received for either a sanitary sewer extension or upgrade of the existing onsite system.

Due to the nature of NPDES permit violations, including failure to follow the compliance schedule, failure to submit analytical data, and continuing violations, this office will be referring this matter to our central office for escalated enforcement.

If you have any questions or comments regarding this notification, please feel free to contact me at (330) 963-1175.

Respectively,



John M. Schmidt P.E., R.S.
Environmental Engineer
Division of Surface Water

JMS/cs

cc: Andrew Lincoln, Lincoln Metals Processing
Shirley Mauro/Cook Road Real Estate Co., LLC/PM Maintenance

File: Semi-Public/Ashtabula/Ashtabula Twp/PM Maintenance