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

December 28, 2012

Mr. Lee Burroughs
Graham Packaging, LC, LP
1225 Castle Drive
Mason, Ohio 45040

**RE: GRAHAM PACKAGING, WARREN COUNTY, SPILL ID NUMBER 1212-83-2929**
**NOTICE OF VIOLATION**

Dear Mr. Burroughs:

On December 10, 2012, I conducted a Storm Water Compliance Evaluation Inspection (CEI) and a follow-up site visit for Spill ID Number 1212-83-2929. Jay Tharp and you represented the facility. Bob Beyer with the city of Mason also attended. This report will pertain to the release and storm water issues only.

On December 6, 2012, you called in a report to the Spill Hotline regarding a release of hydraulic fluid to the on-site retention pond. On December 7, 2012, On-Scene Coordinator (OSC) Bill Lohner of Ohio EPA responded to a report of an unknown quantity of hydraulic oil in the retention pond onsite. When he arrived, there was approximately 50 gallons of oily material on the surface of the retention pond covering approximately one-third of the surface of the pond. The oily material was discharging from the pond drain to waters of the state. SWS Environmental arrived on December 7, 2012 for the cleanup. Booms were placed around the outfall, but a sheen was escaping through the booms and into the outfall. The OSC advised SWS to seal the drain and use a skimmer to remove the material from the surface. Since it was going to be two hours before a skimmer would arrive, SWS was advised to blow the material north, away from the outfall.

The OSC continued to investigate the discharge. A sheen was observed in a downstream catch basin. The city of Mason was then contacted to assist in tracking the storm drains. The next downstream catch basin was observed and also had a sheen on the surface. The pipe daylighted in the woods north of the facility. A sheen, approximately three inches wide, was observed leaving an eight inch pipe and entering into an eighteen inch culvert. The OSC advised SWS to place a boom in each of the catch basins and across the inlet of the eighteen inch culvert.

The plant maintenance supervisor and you then escorted the OSC to the basement of the building. A material similar to the material in the basin was observed in the sump system. One of the two sump pumps had been removed for maintenance. The maintenance supervisor stated the material in the basement was oil from the air compressors above. The OSC then advised the maintenance supervisor to remove the sumps pumps from service.

Prior to leaving the site, the OSC went over the next steps the facility would need to take. The skimmer was to be on site by 6:30 p.m., and the OSC was to be contacted when it arrived.

On December 8, 2012, SWS contacted the OSC, and stated the skimmer had run through most of the night. On December 9, 2012, SWS contacted the OSC and reported the majority of the material had been recovered, and the crew was working near the drain from the pond to remove material.

On December 10, 2012, the OSC arrived onsite to meet with SWS and observe the pond. Most of the material had been recovered. No material was observed behind the hard boom which had been placed around the discharge pipe the previous day. Material had accumulated at the pond drain with boom and pads containing the material to the pond. At that time, the OSC advised excavating the cattails and soil at the discharge drain to remove the material trapped in the soil and cattails. The OSC also advised the material be rinsed from the shore of the pond with a trash pump. Material was to be collected using a skimmer/vac truck. Later that afternoon, the OSC was advised the excavation equipment and roll-off box had arrived, and SWS was commencing with excavation.

On the morning of December 10, 2012, I conducted a Storm Water Compliance Inspection. The inspection began walking the on-site retention pond, catch basins and outfall with the OSC. There were small patches of sheens in the retention pond, but these were being contained in the booms and pads. There were pads in the catch basins. The sheen was no longer present at the outfall to waters of the state. After this walk-through of the release, Bob Beyer and I met with Jay Tharp and you for a Storm Water Compliance Inspection. Graham Packaging has coverage under the Multi-Sector General Industrial Storm Water Permit.

A review of the Storm Water Pollution Prevention Plan (SWP3) showed it had not been updated to reflect the current industrial storm water permit. Because of this, the rating of "Marginal" was given for "Permits" and "Records/Reports". The SWP3 needs to be updated to contain all the necessary components in the new permit. The site plan also needs to be updated. The plan included in the SWP3 is inadequate. The links for the

requirements of the SWP3 were provided in an email to Mr. Tharp and you on December 10, 2012. There are additional reporting and inspection requirements with the new permit. In addition, the inspection reports for the SWP3 were maintained elsewhere onsite. A copy of the updated SWP3 must be provided to this office for review.

After the records review, a site walk-through was conducted. There are three roof drains flowing to the east side of the site. These enter a small tributary. Only two of the three outfalls were found. There was no evidence of any hydraulic oils in these lines. There was a small fuel tank outside the back of the facility. There is an open storm drain right next to this area. This potential area for the release of fuel to the storm sewer must be addressed in the plan. The drain should not be left open. There were solid waste dumpsters in the front of the facility. There are storm drains near the dumpsters. There were pellets and materials from the dumpsters which could reach the storm drain. This will also need to be addressed. Because of these items, the rating of "Marginal" was given for "Facility Site Review".

After walking around the outside of the facility, the inspection continued to the basement under the utilities area where the hydraulic oils originated. There were two sumps in the corner of the basement. One sump was for the clean foundation ground water. It discharges to the storm water retention pond. The second sump discharges to the sanitary sewer system. It appears the pump on the sump for the sanitary sewer was not operating, and overflowed into the clean ground water sump. The facility proposed putting a four inch concrete barrier around the clean sump to prevent this from recurring. The lines at the facility were to be dye-tested or televised to determine where each discharged to. It is still unclear how the hydraulic oils reached either of these sumps.

The oily sheen on the creek is a violation of Ohio Administrative Code (OAC) 3745-1-04(B), which states:

*"The following general water quality criteria shall apply to all surface waters of the state including mixing zones. To every extent practical and possible as determined by the director, these waters shall be:*
*(B) Free from floating debris, oil, scum and other floating materials entering the waters as a result of human activity in amounts sufficient to be unsightly or cause degradation."*

Please be advised that failure to comply with the water quality standards may be cause for enforcement action pursuant to the Ohio Revised Code Chapter 6111. Because of this release, the facility received an "Unsatisfactory" for "Effluent/Receiving Waters".

On December 11, 2012, OSC Lohner contacted SWS for an update on the clean-up activities. The cattails and soils saturated with the material had been excavated, and the sorbent booms and pads at the drain to the pond and storm drains were changed out. The containment boom with the eighteen inch skirt used to prevent material from entering the discharge pipe was to remain in place until the source of the spill was determined.

On December 12, 2012, OSC Lohner returned to the site to inspect the retention basin. Material continued to accumulate at the north end of the basin. Patches of the sheen remained throughout the basin. Sorbent booms were in place around the drain. The containment boom had been removed. The eight inch culvert, where the discharge daylights were, had not been cleared. The OSC told the SWS representative the boom was not in place, and the culvert still needed to be cleared. A crew was to be out the next day (12/13/12) to address the issues. OSC Lohner was also contacted by a representative of Environmental Management, Inc. (EMI), the spill manager for Graham, about the status of the release. EMI was advised of the issues regarding the boom and culvert.

On December 13, 2012, OSC Lohner returned to the site. The containment boom had been put back in place. Weathered material was collecting behind the sorbent booms at the drain. Sporadic spots of sheen were present in the pond. The OSC then inspected the outfall in the woods where the discharge daylighted. The natural debris had been removed, and a sheen was discharging. White, oily material was observed in the outfall. The OSC informed the representatives of SWS and EMI the pipe would need to be flushed, and a vacuum truck would be necessary to collect the material from the outfall. On December 14, 2012, a crew was to be out to flush the outfall pipe and perform pond maintenance.

## REQUIRED ACTIONS

Graham Packaging must update its SWP3 to reflect the new storm water permit. This should address deficiencies and areas of concern listed in this report. This must be completed by February 1, 2013.

Graham Packaging must trace the storm and sanitary lines onsite to determine what sources are tied in and where they discharge. This mapping must be completed by February 1, 2013.

Graham Packaging must determine how the hydraulic oils entered the sumps. This material is not acceptable to be discharged directly to waters of the state, or to the sanitary sewer. This should also include the steps being taken to prevent this from recurring. This determination must be completed by January 18, 2013.

Graham Packaging must notify Ohio EPA and the city of Mason when the four inch concrete curbing is installed around the sumps. The facility must receive permission from Ohio EPA for the ground water sump to be started, and the city of Mason for the sanitary sewer sump to be started.

If you have any additional questions, feel free to contact me at (937) 285-6108.

Sincerely,

Marianne Piekutowski
Environmental Specialist II
Division of Surface Water

MP/tb

Enclosure

cc: Bob Beyer, Mason
Jay Tharp, Graham Packaging

ec: Bill Lohner, DERR/SWDO

OhioEPA

State of Ohio Environmental Protection Agency
Southwest District Office

# NPDES Compliance Inspection Report

| Section A: National Data System Coding | | | | | |
|---|---|---|---|---|---|
| Permit # | NPDES# | Month/Day/Year | Inspection Type | Inspector | Facility Type |
| OHR000005 | 1GR00187*EG | 12/10/2012 | C | S | 2 |

| Section B: Facility Data | | |
|---|---|---|
| Name and Location of Facility Inspected | Entry Time | Permit Effective Date |
| Graham Packaging, LC, LP<br>1225 Castle Drive<br>Mason, Ohio 45040 | 9:50 am | 04/13/2012 |
| | Exit Time | Permit Expiration Date |
| | 11:55 am | 12/31/2017 |
| Name(s) and Title(s) of On-Site Representatives | Phone Number(s) | |
| Lee Burroughs, Plant Manager<br>Jay Tharp, Plant Engineer | (513)398-5000 ext 11<br>(513)398-5000 ext 20 | |
| Name, Address and Title of Responsible Official | Phone Number | |
| Lee Burroughs, Plant Manager<br>Graham Packaging, LC, LP<br>1225 Castle Drive<br>Mason, Ohio 45040 | (513)398-5000 ext 11 | |

**Section C: Areas Evaluated During Inspection**
(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

| | | | | | |
|---|---|---|---|---|---|
| M | Permit | N | Flow Measurement | N | Pretreatment |
| M | Records/Reports | N | Laboratory | N | Compliance Schedule |
| N | Operations & Maintenance | U | Effluent/Receiving Waters | N | Self-Monitoring Program |
| M | Facility Site Review | N | Sludge Storage/Disposal | N | Other |
| N | Collection System | | | | |

**Section D: Summary of Findings (Attach additional sheets if necessary)**

See attached report.

| Inspector | Reviewer |
|---|---|
| 12/28/12 | 1/4/13 |
| Marianne Piekutowski — Date<br>Division of Surface Water<br>Southwest District Office | Martyn Burt — Date<br>Compliance & Enforcement Supervisor<br>Division of Surface Water<br>Southwest District Office |

Industrial Storm Water Compliance Evaluation Inspection

Name of facility: **Graham Packaging, LC, LP**

Address: **1225 Castle Drive, Mason, Ohio 45040**

Permit number: **1GR00187*EG** Applicable permit sector: **Y2**

Date of visit: **12/10/12** Time started: **9:50 am** Time ended: **11:55 am**

Facility representative(s): **Lee Burroughs, Jay Tharp**

OEPA inspector: **Mari Piekutowski, Bob Beyer (City of Mason) also attended**

**SWP3**

~~A.~~ Did the facility representative produce an SWP3? **Y ~~/ N / Not requested~~**

A1. Did it include a site map? **Y ~~/ N~~**

A2. Did it include schedules and procedures for the quarterly routine facility inspections? **~~Y /~~ N**

A3. Did it include schedules and procedures for the comprehensive annual facility inspection? **~~Y /~~ N**

A4. Did it include schedules and procedures for the quarterly visual assessment of storm water discharges ? **~~Y /~~ N**

A5. If benchmark monitoring is required, does the SWP3 describe how and when that will be done? **~~Y / N /~~ NA**

Comments: **The site map needs to be updated to incorporate all the items required in the storm water permit. The contacts in the plan need to be updated. The plan needs to be updated to reflect the new multi-sector general industrial storm water permit. The plan notes monthly inspection, and these need to be done. The spill release portion of the plan needs to be updated to reflect the December 7, 2012 release.**

**INSPECTION RECORDS**

B. Were inspection records available? **~~Y/~~N**

Comments: **The reports were maintained in a separate file. These should be included in the SWP3.**

**SITE OBSERVATIONS**

C. Are materials stored exposed to weather? ~~Y~~ / N. If Yes, list materials.

**Pellets are stored in silos and railcars on-site. There were some pellets on the ground, but none were seen in the stream. There is a fuel tank located at the back of the facility. The tank is in secondary containment and has a roof. There is a storm drain next to it. The facility must prevent any fuel from leaking into the open storm drain.**

D. Are there any structural storm water management practices used onsite? Examples include grassed swales, permeable pavement, inlet filters, detention ponds, engineered wetlands, mulch berms, silt fence, rain gardens .

**There is a storm water retention pond the foundation drains, and storm drains from the facility drain to. There are three substantially identical roof drains which flow directly into the stream next to the facility.**

E. No. outfalls from site/no. inspected **3/4**

**Only two of the three roof drains for the building could be found. The storm water pond was not discharging due to the release of hydraulic oils. There were pads and booms on the pond. The outfall for the pond did not have any oils.**

G. Did any show evidence of pollutants discharged in the storm water? Y / ~~N~~

If yes, describe: **This inspection was due to a release of hydraulic oils/fluids into the storm water pond. This was called in a Ohio EPA Incident No. 1212-83-2929. The remediation contractor was still on-site working on cleaning up the release. Pad and booms as well as a sheen were still visible in the pond. The pond was not discharging to waters of the State.**

H. Other observations/comments;

- **The facility must update its SWP3 to reflect the new storm water permit. In addition, this incident must be incorporated into the spills/releases portion of the plan.**
- **Copies of the General Permit Fact Sheet, Annual Report Form, Quarterly Visual Report, and Subsector Y requirements were provided. Links were also provided to Mr. Burroughs and Mr. Tharp for these documents in separate emails.**
- **There were two sumps in the basement of the building. One sump was for the foundation drains and went to the storm water pond. The second sump went to the sanitary sewer to the City of Mason WWTP.**