



**Environmental  
Protection Agency**

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

February 26, 2013

RE: MAHONING COUNTY  
SOIL REMEDIATION, INC.  
NPDES PERMIT NO. OHR000005  
OHIO EPA PERMIT NO. 3GR01022\*EG  
INDUSTRIAL STORMWATER INSPECTION

**NOTICE OF VIOLATION**

**CERTIFIED MAIL**

David Gennaro  
Soil Remediation, Inc.  
6065 Arrel Smith Road  
Lowellville, OH 44436

Dear Mr. Gennaro:

On February 13, 2013, Ohio EPA performed an inspection at Soil Remediation, Inc. (SRI), located at 6065 Arrel Smith Road, Village of Lowellville, Mahoning County (facility). During the inspection, the facility was represented by you, David Gennaro, Jr., and Frank Naples. I was accompanied by Zorica Dejanovic of Ohio EPA.

According to Ohio EPA's records, the facility's industrial activities were previously categorized under Standard Industrial Classification (SIC) Code 1442: Construction Sand and Gravel and are authorized by General National Pollutant Discharge Elimination System Permit for Stormwater Associated with Industrial Activity (Multi-Sector General Permit), permit No. 3GR01022\*EG.

**Site Inspection**

The inspection of the facility documented the following:

1. Three semi-trucks were located at the weigh station at the time of arrival;
2. The semi-trucks were actively adding to the contaminated soil stockpile that was stored outside of the constructed shelter adjacent to the soil remediation unit. The contaminated soil stockpiles were partially tarped (Figures 1 to 2);
3. An oil sheen was observed on the stormwater runoff that has been contained by the berm constructed northwest of the soil remediation unit (Figure 3);
4. A salt dome structure is being evaluated for purchase that would store contaminated soils delivered to the facility:

5. Section 4.8, Sediment and Erosion Control, of the stormwater pollution prevention plan (SWP3) states that "the areas that will require active erosion controls are those areas that have active slag excavation/reclamation or storage piles and aggregate." This section also specifically details "tiering of storage piles, trenches at the base of the storage piles, aggregate berms, silt fences, and straw bales" as the best management practices (BMP) that will be utilized.

Additional grading and excavating activities are occurring east of the portion of the site that was previously disturbed and treated by a temporary sediment trap. No BMPs have been installed to prevent erosion and the discharge of sediment-laden runoff from this additional area (Figures 4 to 6). Ohio EPA recommends extending the diversion channel and resizing the existing temporary sediment trap, based upon the applicable drainage areas, in order to properly capture and treat sediment-laden runoff prior to discharge.

**The failure to prevent erosion and the discharge of sediment constitute violations of Ohio Revised Code (ORC), Chapter 6111.07 and Part 2.1.2.5, of the Multi-Sector General Permit.**

6. The screener was relocated from the soil remediation unit area to the "gravel/slag processing" area.
7. A fine black material (FBM) was observed in an area where additional grading and excavating activities are occurring, located northwest of the "settling basin" and northeast of the "gravel/slag processing" area, as depicted on Figure 2 of the facility's SWP3 (Figure 7 to 8). A very strong odor was present in this location. No BMPs have been installed to prevent the discharge of the FBM to "waters of the State" as the material traveled approximately 300 feet from the source and into a storm sewer catch basin that was flowing at the time of the inspection (Figures 9 to 15). The discharge of the FBM to "waters of the State" must be immediately terminated.

**The discharge of FBM to "waters of the State" constitutes violations of ORC 6111.07, Ohio Administrative Code, Chapter 3745-1-04, and Part 2.1 of the Multi-Sector General Permit.**

When questioned about the FBM, Mr. Naples stated that it was fine slag and then directed Ms. Dejanovic and me to an onsite stockpile of fine slag for comparison. The stockpile of fine slag had a different color, consistency, and odor than the FBM (Figure 16). Mr. Naples then directed us to discuss the FBM with you. Upon meeting you at the office, you clarified that the FBM was flue dust or mill scale with a possible cutting oil present.

Please be aware that the FBM issue has been forwarded to Ohio EPA's Division of Materials and Waste Management. Should you have any questions regarding the matter, please contact Katharina Snyder at (330) 963-1257.

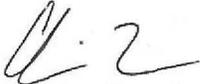
#### **Corrective Actions**

- Within 14 days of receiving this Notice of Violation, a written report must be submitted to Ohio EPA that details how the above violations have been or will be addressed. The

written report must also include dates detailing when each corrective action (i.e. BMP) was or will be implemented and completed.

**Failure to address the above violations will result in Ohio EPA pursuing formal enforcement, whereby violations of ORC 6111 are punishable by fines up to \$10,000 a day per violation.** Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118 or via email at [chris.moody@epa.ohio.gov](mailto:chris.moody@epa.ohio.gov).

Sincerely,



Chris Moody  
Environmental Specialist II  
Division of Surface Water

CM/cs

cc: David Gennaro, SRI  
SRI  
Barb Knecht, HzW Environmental Consultants, LLC  
Rich Blasick, DSW-NEDO  
Dean Stoll, DSW-NEDO  
Brittany Schuch, DSW-CO  
Summer Plantz, AGO  
Kelly McCloud, AGO  
Martha Horvitz, Legal  
Ed Fasko, DAPC-NEDO  
Tim Fischer, DAPC-NEDO  
Zorica Dejanovic, DAPC-NEDO  
Jarnal Singh, DMWM-NEDO  
Katharina Snyder, DMWM-NEDO



**Figure 1** - The contaminated soil stockpiles were partially tarped.



**Figure 2** - The contaminated soil stockpiles were partially tarped.



**Figure 3** - An oil sheen was observed on stormwater runoff that has been contained by soil remediation unit.



**Figure 4** - No BMPs have been installed to prevent erosion and the discharge of sediment-laden runoff from the additional grading and excavating activities.



**Figure 5** - No BMPs have been installed to prevent erosion and the discharge of sediment-laden runoff from the additional grading and excavating activities.



**Figure 6** - No BMPs have been installed to prevent erosion and the discharge of sediment-laden runoff from the additional grading and excavating activities.



**Figure 7** - A FBM was observed in an area where additional grading and excavating activities are occurring.



**Figure 8** - A FBM was observed in an area where additional grading and excavating activities are occurring.



**Figure 9** - The FBM traveled approximately 300 feet from the source and into a storm sewer catch basin.



**Figure 10** - The FBM traveled approximately 300 feet from the source and into a storm sewer catch basin.



**Figure 11** - The FBM traveled approximately 300 feet from the source and into a storm sewer catch basin.



**Figure 12** - The FBM traveled approximately 300 feet from the source and into a storm sewer catch basin.



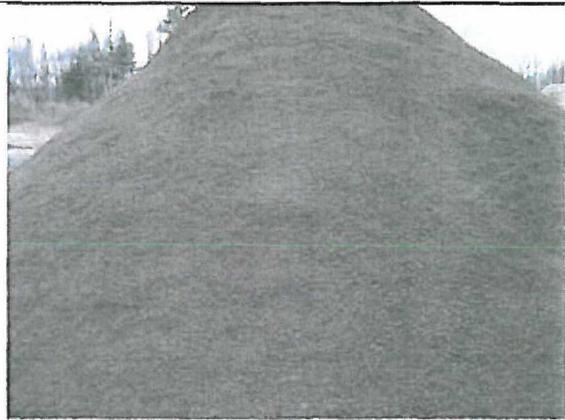
**Figure 13** - The FBM traveled approximately 300 feet from the source and into a storm sewer catch basin.



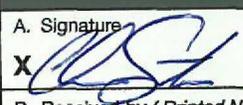
**Figure 14** - The FBM traveled approximately 300 feet from the source and into a storm sewer catch basin.



**Figure 15** - The FBM was discharging into a storm sewer catch basin.



**Figure 16** - The stockpile of fine slag had a different color, consistency, and odor than the FBM.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature                  X </p> <p>B. Received by (Printed Name)                  Chris Swantner</p> <p>C. Date of Delivery                  FEB 26 2013</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <div style="background-color: #ff00ff; padding: 5px; margin: 5px 0;">                     David Gennaro                      Soil Remediation, Inc.                      6065 Arnold Smith Road                      Lowellville, OH 44436                 </div>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered    <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail    <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number                  (Transfer from service label) 7012 100 0002 2260 1199 DSW</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>