



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

## **CERTIFIED MAIL**

May 23, 2013

Daniel Zarlenga  
Acme Company  
9495 Harvard Boulevard  
Youngstown, Ohio 44515

**RE: MAHONING COUNTY, ACME COMPANY, NPDES PERMIT NO. OHR000005,  
OHIO EPA PERMIT NO. 3GR01194\*EG, INDUSTRIAL STORM WATER  
INSPECTION, NOTICE OF VIOLATION**

Dear Mr. Zarlenga:

On May 1, 2013, Ohio EPA performed an inspection at Acme Company, located at 11600 Mahoning Avenue, Jackson Township, Mahoning County (facility). During the inspection, the facility was represented by Jim Nell. I was accompanied by Karen Nesbit of Ohio EPA and Tara Cioffi and Faith Terreri of the Mahoning-Trumbull Air Pollution Control Agency (MTAPCA).

According to Ohio EPA's records, the facility's industrial activities were previously categorized under Standard Industrial Classification (SIC) Code 3295: Minerals and Earths, Ground or Otherwise Treated and are authorized by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Industrial Activity (Multi-Sector General Permit), permit No. 3GR01194\*EG.

### **Site Inspection**

The inspection of the facility documented the following:

- Mr. Nell was unaware of the location of the facility's storm water pollution prevention plan (SWP3) and if appropriate records (i.e. visual outfall monitoring, employee training, routine facility inspections, etc.) were being maintained.
- The facility's SWP3, dated June 18, 2009, has not been revised to be reflective of the requirements established within the Multi-Sector General Permit. **The failure to revise the SWP3 within 180 days of receiving permit coverage constitutes violations of Ohio Revised Code Chapter (ORC) 6111.07 and Part 5 of the Multi-Sector General Permit.**

- The SWP3 details that a “permanently stabilize vegetated swale” is to be installed along the western property boundary to direct storm water runoff to a “proposed stormwater pond.” The swale has not been installed; however, a partially constructed diversion berm has been constructed. A portion of the area where materials are stockpiled discharges directly into “waters of the state” without a best management practices (BMP) installed (Figure 1). **The failure to implement appropriate BMPs to prevent the discharge of pollutants to “waters of the State” constitutes violations of ORC 6111.07 and Part 2.1 of the Multi-Sector General Permit.**
- Numerous portions of the facility appear to have remained idle and require stabilization to be performed to prevent erosion and the discharge of sediment to “waters of the State” (Figure 2). **The failure to stabilize disturbed portions of the facility constitutes violations of ORC 6111.07 and Part 2.1.2.5 of the Multi-Sector General Permit.**
- The berm depicted to be installed within the southeastern portion of the facility to protect the “existing surface water body” has not been installed (Figure 3). Sediment laden-runoff from a soil stockpile is discharging directly into “waters of the state.” **The failure to prevent the discharge of pollutants to “waters of the state” constitutes violations of ORC 6111.07, Ohio Administrative Code Chapter (OAC) 3745-1-04, and Part 2.1.2.5 of the Multi-Sector General Permit.**
- Diversion channels have been installed through the western diversion berms to allow storm water runoff to discharge directly into “waters of the State” (Figures 4 to 6). Sediment deposition was observed within “waters of the State.” **The failure to implement appropriate BMPs to prevent the discharge of pollutants to “waters of the State” constitutes violations of ORC 6111.07 and Part 2.1 of the Multi-Sector General Permit.**
- Pink solids were observed on the ground within the area where a pink leachate was observed during Ohio EPA’s February 27, 2013 inspection (Figure 7). In addition, a pink leachate was observed in an area located southeast of the sediment pond and northeast of the crushing equipment (Figure 8). During Ohio EPA’s February 27, 2013 inspection, you previously stated that the pink leachate was from the acceptance of materials resulting from the demolition of a furnace. The pink solids and leachate must be contained, characterized, and properly disposed. In addition, Ohio EPA recommends that the stockpiled materials generating the pink leachate be covered in order to prevent the generation of the pink leachate during precipitation events.

Ohio EPA utilized pH indicator paper to test the pink leachate. The pH result of the pink leachate was 10.0 S.U. (Figure 9). The water quality range for acceptable discharges to “waters of the State” is 6.5 to 9.0 S.U. Please be aware that a discharge of the pink leachate to “waters of the State” would result in violations of ORC 6111.07, Ohio Administrative Code Chapter (OAC) 3745-1-04(C) and (D), and OAC 3745-1-07, Table 7-1.

- The storm sewer catch basin located immediately north of the maintenance building has a large quantity of sediment on the ground that requires good housekeeping measures (i.e. sweeping) be increased to minimize the potential discharge of pollutants (Figure 10).
- Oil stains were observed within the area located immediately north of the maintenance building (Figure 11). The oil stains must be properly remediated with any oil contaminated soils disposed of properly.
- A solid waste dumpster was stored in an area exposed to precipitation events. Please be aware that precipitation that contacts solid waste is considered a leachate and must be properly managed. Ohio EPA recommends covering the solid waste dumpster.
- Pails of oil were observed at the facility in areas exposed to precipitation events. Some of the pails were upside down. Materials must be properly managed and stored (i.e. not turned upside down to drain residual liquids) to eliminate the potential for pollutants to be discharged during precipitation events (Figure 12).
- Crushing and screening equipment was located at the facility. Matters related to the possible regulation of this equipment will be addressed under separate cover by Ohio EPA’s Division of Air Pollution Control and/or MTAPCA.
- A stockpile of tires and additional tires located on the western portion of the facility were observed. This matter has been forwarded to Ohio EPA’s Division of Materials and Waste Management.

### **Corrective Actions**

- A written report must be immediately 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. Please be aware that via a March 21, 2013 NOV, Ohio EPA previously requested a written report to be submitted within 14 days of receiving the NOV. As of the date of this NOV, Ohio EPA has not received the written report. **The failure to submit information necessary to determine compliance constitutes violations of ORC 6111.07 and Appendix B(B.8) of the Multi-Sector General Permit.**

- A copy of the facility's revised SWP3 must be immediately submitted to Ohio EPA. Please be aware that via a March 21, 2013 NOV, Ohio EPA previously requested a copy of the facility's SWP3 to be submitted within 14 days of receiving the NOV. As of the date of this NOV, Ohio EPA has not received a copy of the revised SWP3. **The failure to submit a copy of the revised SWP3 constitutes violations of ORC 6111.07 and Part 5.3 of the Multi-Sector General Permit.**

**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:ddw

cc: Tara Cioffi, Administrator, MTAPCA, Youngstown City Health District  
Faith Terreri, Sanitarian, MTAPCA, Youngstown City Health District  
Jim Nell, Acme Company  
ec: Karen Nesbit, DMWM, NEDO  
Katharina Snyder, DMWM, NEDO  
Rachel DeMuth, DSW, CO  
Janean Weber, AGO ([janean.weber@ohioattorneygeneral.gov](mailto:janean.weber@ohioattorneygeneral.gov))



**Figure 1** - A material stockpile area discharges directly into "waters of the state".



**Figure 2** - Idle areas of the facility must be stabilized.



**Figure 3** - The berm depicted to be installed within the southeastern portion of the facility has not been installed.



**Figure 4** - Diversion channels have been installed through the diversion berms to allow storm water runoff to discharge directly into "waters of the State."



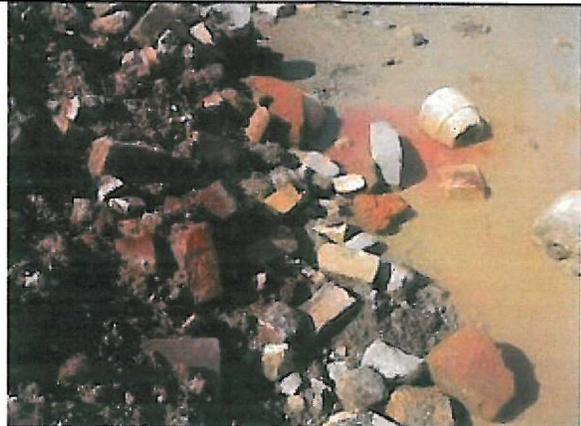
**Figure 5** - Diversion channels have been installed through the diversion berms to allow storm water runoff to discharge directly into "waters of the State."



**Figure 6** - Diversion channels have been installed through the diversion berms to allow storm water runoff to discharge directly into "waters of the State."



**Figure 7** - Pink solids were observed on the ground within the area where a pink leachate was previously observed.



**Figure 8** - Pink leachate was observed in a new area of the facility.



**Figure 9** - The pH result of the pink leachate was 10.0 S.U.



**Figure 10** - Good housekeeping measures (i.e. sweeping) must be increased.



**Figure 11** - Oil stains were observed within the area located immediately north of the maintenance building.



**Figure 12** - Materials must be properly managed and stored.