



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

July 30, 2013

RE: LAKE COUNTY  
CITY OF WILLOUGHBY  
INDUSTRIAL STORM WATER  
DEMILTA IRON & METAL  
3GR00487\*CG

**NOTICE OF VIOLATION**

Ron Vaughn, Vice President  
DeMilta Iron & Metal  
3950 Ben Hur Avenue  
Willoughby, Ohio 440096

Dear Mr. Vaughn:

On July 25, 2013, Ohio EPA conducted an inspection at the DeMilta Iron & Metal facility located at 3950 Ben Hur Avenue. Our inspection's purpose was to determine compliance with the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Industrial Activity #OH000005. The site's industrial activities are categorized by the Standard Industrial Classification (SIC) Code 5093: Fabricated Metal Products, Except Machinery & Transportation Equipment, and Coating, Engraving & Allied Metals. This corresponds to Subsector N1 in Part 8 of the NPDES permit. During the inspection, Frank DeMilta, Mike Stegh, and you represented DeMilta Iron & Metal. I represented the Ohio EPA.

**Storm Water Pollution Prevention Plan (SWPPP)**

The facility currently has coverage under the Ohio EPA General NPDES Permit 3GR00487\*CG. Our records show that the permit for your facility was issued October 1, 2012. Part 5 of the NPDES Permit requires one to create and implement a Storm Water Pollution Prevention Plan (SWPPP). During the inspection, your facilities' SWPPP was reviewed. While the facility did have a SWPPP present, it is important to make sure that all necessary parts that are listed in Part 5 of the NPDES Permit are included and followed throughout the site. Failure to do so will result in violations against the NPDES Permit.

**Monitoring, Recordkeeping and Reporting**

Ohio EPA reviewed recordkeeping associated with required site inspections and storm water monitoring. Our inspection revealed the following violations of the NPDES permit:

- **Failure to conduct an annual Comprehensive Site Inspection and complete an Annual Report.** This is a violation of Part 4.3.1 and 7.2 of the NPDES permit and ORC 6111.04 and 6111.07. DeMilta Iron & Metal was unable to locate an Annual Report summarizing the findings of the comprehensive site inspection and corrective action taken for 2012 or any year prior (this was known as the Comprehensive Site Evaluation in previous generations of the general permit). DeMilta Iron & Metal is to utilize the Annual Report form located in Appendix I of the NPDES permit and keep a copy of the report with the SWPPP. The report is to be made available to Ohio EPA upon request. A Comprehensive Site Inspection and Annual Report must be completed by September 31, 2013, for the current reporting year

- **Failure to conduct Quarterly Visual Assessments of storm water discharges and maintain documentation of the results.** This is a violation of Part 4.2.1 and 4.2.2 of the NPDES permit and ORC 6111.04 and 6111.07. For facilities continuing general permit coverage from previous generations, quarterly visual assessments were to begin no later than the third quarter of 2012. While the quarterly visual assessment was conducted and documented for first quarter 2012 and the second quarter 2013, DeMilt Iron & Metal did not conduct any quarterly visual assessments for first quarter 2013. A visual assessment must be conducted every quarter. A sample recordkeeping template is available on the Ohio EPA website at [http://epa.ohio.gov/dsw/permits/GP\\_IndustrialStormWater.aspx](http://epa.ohio.gov/dsw/permits/GP_IndustrialStormWater.aspx).
- **Failure to include in the SWPPP an evaluation of non-storm water discharges and a certification that all unauthorized discharges have been eliminated.** This is a violation of Part 5.1.3.4 of the NPDES permit and ORC 6111.04 and 6111.07. Please evaluate storm water outfalls during a period of dry weather and evaluate facility drainage systems to ensure that there are no unauthorized non-storm water discharges from the facility. Part 1.1.3 of the NPDES permit lists allowable non-storm water discharges. All other discharges must be authorized by an appropriate NPDES permit or eliminated. If not completed by the date of your response, please include a schedule by when this evaluation will be completed. Once completed, please submit (a) the non-storm water evaluation certification or (b) a list of unauthorized non-storm water discharges that remain and your plan for their elimination. The plan for elimination shall include the action to be taken and the date corrective action is expected to be completed. I have attached a sample certification that can be kept within your SWPPP as proof that all unauthorized discharges have been eliminated. **(See Attachment)**

#### Site Inspection

- One the draining pad there was built up oil and sediment around the drain that leads to the "Used Oil" underground tank. While there were booms around the drain they needed replaced with new ones. It was also very evident that sediment and trash was still getting into the drain. Good housekeeping should be implemented here to keep the area in better shape. **(See Fig 1 & 2)**
- The stock piles of turning in the back of the site by the draining pad were not in any sort of containment and an orange leachate was observed coming off of them. It was discussed that it is in future plans to provide containment for these but it has not happened yet. This runoff water needs to be contained so it does not reach the storm water. Best Management Practices (BMPs) need to be put into place to prevent the pollution from reaching the receiving. **(See Fig 3)**
- Sediment controls are needed throughout the site. At multiple locations around the drains and train tracks, sediment build up was observed to be an issue. Sediment is a pollutant to storm water. Some type of stabilization needs to be set into place to keep the sediment out of the drains or from leaving the site. **(See Fig 4)**
- There was silt fencing put up around the drains for the purpose of inlet protection. While the silt fence might have kept out some pollution they were still letting in a good amount. The drains were seen to have debris, sediment, trash, and polluted water running into them on multiple occasions. **(See Fig 1, 5, & 7)**

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- There were oil sheens seen on the ground in various locations. These need to be properly and immediately cleaned up to verify that no oil gets into the drains. BMPs need to be implemented to confirm that this doesn't happen again in the future. **(See Fig 6 & 9)**
- All dumpsters on site must be covered. Anything that keeps the storm water out of the dumpster is acceptable, i.e. a lid or a tarp. **(See Fig 8 & 10)**

In addition to these violations, Ohio EPA noted the following:

- The Comprehensive Site Evaluation had not yet been completed for reporting year October 1, 2012 to September 31, 2013. The Annual Report is to be completed using the form in Appendix I of NPDES Permit #OHR000005. Please submit a copy of the Annual Report for the reporting year October 1, 2012 to September 31, 2013, with your response to this Notice of Violation.
- There were no incidences of significant spills or leaks reported in the spill log. Our observation of the site indicates that there is significant potential for such incidences to occur and many oil stains were observed on the ground. Please note that any release of petroleum-based product of 25 gallons or more on the ground or a spill that results in a sheen on a water of the state is a reportable quantity and must be listed as a significant spill or leak.

Please provide me with a letter of response indicating the actions you will take to address the concerns and violations noted above. Please provide me with a letter of response no later than **August 12, 2013**.

If you should have any questions concerning this letter, feel free to contact me at (330) 963-1125 or by e-mail [julianna.murphy@epa.ohio.gov](mailto:julianna.murphy@epa.ohio.gov).

Sincerely,



Julianna Murphy  
Assistant to the District Engineer  
Division of Surface Water

JM:bo

pc: Mike Stegh, Operations Manager, DeMilta Iron & Metal (same address as above)  
Frank DeMilta, President, DeMilta Iron & Metal (same address as above)

ec: Dan Bogoevski, DSW, NEDO  
Jason Fyffe, DSW, CO