



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

July 30, 2013

RE: CUYAHOGA COUNTY  
CITY OF CLEVELAND  
INDUSTRIAL STORM WATER  
ALLIED PLANT # 77 (SHELLY CO)  
3GR00143\*EG

**NOTICE OF VIOLATION**

Josh Barto  
Plant Operator  
Allied Plant #77 (Shelly Co)  
4900 West 150<sup>th</sup> Street  
Cleveland OH 44135

Dear Mr. Barto:

On June 18<sup>th</sup>, 2013, Ohio EPA conducted an inspection at the Allied Plant #77 (Shelly Co) facility located at 4900 West 150<sup>th</sup> Street. 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 2951: Asphalt Paving & Roofing Materials. During the inspection, James Barto and Jerome Luster represented Allied Plant #77 (Shelly Co). Josh Bewley and I represented the Ohio EPA.

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

The facility currently has coverage under the Ohio EPA General NPDES Permit #3GR00143\*EG. Our records show that the permit for your facility was issued October 20<sup>th</sup>, 2006. 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.

**Storm Water Outfalls**

Our records show that general permit coverage for your facility was renewed on November 1, 2012. The Notice of Intent (NOI) submitted by Allied Plant #77 (Shelly Co) to renew coverage and the Site Map indicate that there are only three outfalls from this facility. However, our site inspection and the site map indicate that there are seven outfalls. All outfalls must be identified on the NOI. To correct this error, please either submit a revised NOI or letter to our Central Office acknowledging the additional 4 outfalls. For each outfall, identify the SIC and subsector codes associated with the outfall as well as the latitude and longitude. There are no federal effluent limitations for storm water discharges from this facility. The revised NOI or letter should be sent **within 14 days** of this letter to:

Jason Fyffe  
Ohio EPA Division of Surface Water  
P.O. Box 1049  
Columbus, OH 43216-1049

The NOI can be found on our website at:

[http://www.epa.ohio.gov/dsw/permits/GP\\_IndustrialStormWater.aspx](http://www.epa.ohio.gov/dsw/permits/GP_IndustrialStormWater.aspx).

**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. Allied Plant #77 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). Allied Plant #77 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 October 19, 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. Allied Plant #77 has not conducted any quarterly visual assessments to date. 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 conduct Routine Facility Inspections and maintain documentation of the results.** This is a violation of Part 4.1.2 of the NPDES permit and ORC 6111.04 and 6111.07. You are required by the NPDES permit to conduct and document routine facility inspections, one representing each calendar quarter. All areas of the facility where industrial materials or activities are exposed to storm water and of all storm water control measures used to comply with Part 2 conditions contained in the NPDES Permit should be inspected. Each missing quarter is an individual violation. You have until September 30<sup>th</sup> to complete this calendar quarter inspection.

- **Failure to conduct Annual Effluent Limitations Monitoring and maintain documentation of the results.** Allied Plant #77's assigned sector code (D1) has a requirement of an annual effluent limitation monitoring. There has not been any documentation of this monitoring for any of the previous years. This is a violation of the NPDES permit part 6.2.2 and 7.1. You are required to monitor runoff from asphalt emulsion facilities once per year for compliance with the effluent limitations located in Part 8.D.4 of the NPDES permit. Parameters that must be sampled are total suspended solids (TSS), pH, and Oil and Grease. The data collected must be reported to the Ohio EPA's e-DMR no later than 30 days after receiving results from your testing lab. The following link is where you can submit the data:

<http://www.epa.ohio.gov/dsw/edmr/eDMR.aspx>

- Documentation of employee training shows that Josh Barto was trained by Tom Henry in March of 2013 but all employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of the permit, including all members of the Pollution Prevention Team, should be trained. Failure to do so is in violation of the NPDES Permit.
- The SWPPP needs to be updated to reflect the current staff. The SWPPP on site shows Jim Davis as the plant operator. Since Josh Barto took over for him that needs to be reflected within the SWPPP.

### **Site Inspection**

1. There was an observed oil sheen by outfall 004. (See **Fig 1**) This needs to be cleaned up immediately and the source needs to be located. Additional controls must be implemented to ensure compliance with effluent limitations.

Please note that a release of oil that creates a visible film or sheen on a navigable water, or are in excess of 25 gallons exclusive of navigable waters, is a reportable quantity and must be reported to the Ohio EPA Spill Hotline at 1-800-282-9378. Additional reporting to the local emergency management agency, the local fire department and the United States Coast Guard may also exist. Oil is defined without limitation and includes gasoline, petroleum, fuel oil, sludge, oil refuse, and oil mixed with waste other than dredged soil. The spill response procedures for the facility must be documented in the SWPPP.

2. There were also spills on site where the trucks spray down their beds and where they park to wait. Control measures need to be put into place to address drips and leaks from truck beds. Although Ohio EPA understands the need to spray truck beds to keep asphalt from sticking to them, excessive application or overspray of the anti-sticking agent may be the cause of the sheen witnessed on the south side of the lot (See **Fig 2**). Ohio EPA does not recommend the use of diesel fuel as an anti-sticking agent.

3. There was excessive sediment build up by the visitors parking where the lot was sheet flowing away from the site. Proper control measures need to be in place to keep the sediment from washing off with the runoff water. (See Fig 3). Measures may include redressing the area with stone, paving or diverting flow to a sediment basin.

Please provide me with a letter of response, indicating the actions you will take to address the concerns and violations noted above, no later than **August 9<sup>th</sup>, 2013**.

If you should have any questions concerning this letter, feel free to contact me at (330) 963-1125 or by e-mail to [julianna.murphy@epa.ohio.gov](mailto:julianna.murphy@epa.ohio.gov) or Dan Bogoevski at (330) 963-1145 or [dan.bogoevski@epa.ohio.gov](mailto:dan.bogoevski@epa.ohio.gov).

Sincerely,



Julianna Murphy  
Assistant to the District Engineer  
Division of Surface Water

JM:ddw

cc: Beth Mowey, V.P. of Environmental Compliance, Allied Plant # 77  
Tom Slane, Operations Manager, Allied Plant #77  
Jerome Luster, Plant Worker, Allied Plant # 77

ec: Dan Bogoevski, DSW, NEDO

**ALLIED PLANT #77 (SHELLY CO)**  
Cleveland Cuyahoga County

**Photos Taken:** June 18, 2013  
**By:** Juliana Murphy, DSW, NEDO



**Figure 1:** Oil Sheen in the ditch running parallel to the highway.



**Figure 2:** Spills on the site in the area where the trucks park to wait.



**Figure 3:** Excessive sediment build up on the corner of the lot in the visitors parking.