



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

August 8, 2013

RE: CUYAHOGA COUNTY  
CITY OF CLEVELAND  
INDUSTRIAL STORM WATER  
BELLAIRE ROAD AUTO PARTS  
3GR00092\*EG

**NOTICE OF VIOLATION**

Irwin Shulman, Land Owner  
Bellaire Road Auto Parts  
11207 Bellaire Road  
Cleveland, OH 44111

Dear Mr. Shulman:

On June 26, 2013, Ohio EPA conducted an inspection at the Bellaire Road Auto Parts facility located at 11207 Bellaire Road. 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 5015: Automobile Salvage Yard. This corresponds to Subsector M1 in Part 8 of the NPDES permit. During the inspection, Mike Slepecky represented Bellaire Road Auto Parts. 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 #3GR00092\*EG. Our records show that the permit for your facility was issued September 1, 2013. 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 not on site. I was informed that according to the contract you are in charge of all environmental aspects of the business.

- **Failure to have the Storm Water Pollution Prevention Plan on site.** This is a violation of Part 5.3 of the NPDES Permit. You shall retain a copy of the current SWPPP required by this permit at the facility, and it shall be immediately available to Ohio EPA.

**Storm Water Outfalls**

The Notice of Intent (NOI) submitted by Bellaire Road Auto Parts renew coverage and the Site Map indicate that there is only one outfall from this facility. However, our site inspection indicates that there are two more areas where water runs directly off the lot and into Big Creek, which borders the back of the lot. One is to the north east corner of the lot where water was observed going under the fence and into the creek. The other was a sheet flow of the eastern end of the lot, south of the car crusher. The outfall on the NOI was not identified during the inspection. 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 two 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:

IRWIN SHULMAN, LAND OWNER  
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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 Routine Facility Inspections once per quarter and maintain records of findings.** This is a violation of Part 4.1 of the NPDES permit and Ohio Revised Code 6111.04 and 6111.07. Bellaire Road Auto Parts was unable to produce inspection records to demonstrate compliance with this requirement.

Please note that in addition to the areas listed in Part 4.1, Part 8.M.4 requires the following inspections:

- Vehicles must be inspected immediately upon arrival for leaks;
  - Equipment containing oily parts, hydraulic fluids or mercury switches must be inspected quarterly for signs of leakage; and
  - Vessels and areas where hazardous materials and general automotive fluids are stored must be inspected quarterly for signs of leakage. Hazardous materials include but are not limited to mercury switches, brake fluid, transmission fluid, radiator water and antifreeze.
- **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. Bellaire Road Auto Parts 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 employee training at least once per year and maintain documentation such as training materials and attendance records.** This is a violation of Part 2.1.2.9 and 7.5 of the NPDES permit and ORC 6111.04 and 6111.07. Bellaire Road Auto Parts was unable to produce training records to demonstrate that any employee training has been conducted. Thus, no employee training was conducted in 2012. Please note that Part 8.M.2.2 of the NPDES permit requires employee training to include proper handling (collection, storage and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents. Training must be more frequent for business with high employee turnover. There are training tapes that you can obtain through the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP) by contacting Tamara Girard at (330) 963-1282 as well as presentations available at [www.epa.gov/npdes/training](http://www.epa.gov/npdes/training).

- **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. Bellaire Road Auto Parts 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). Bellaire Road Auto Parts 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 August 31, 2013, for the current reporting year.
- **Failure to sign the SWPPP.** We noted that the SWPPP was not signed. Part 5.1.7 of the NPDES permit requires the SWPPP to be signed and dated in accordance with the signatory requirements contained in Appendix B, Subsection 11.
- **Failure to evaluate and document for the presence of non-storm water discharges and the elimination of all unauthorized discharges.** This is a violation of Part 2.1.2.9 and 5.1.3.4 of the NPDES permit. Bellaire Road Auto Parts was unable to locate and documentation proving the evaluation for the presence of non-storm water discharges and the elimination of all unauthorized discharges.
- **Failure to obtain a site map.** This is a violation of Part 5.1.2 and 5.3 of the NPDES Permit. Create and keep within the SWPPP a site map that includes the following:
  - All existing structural control measures;
  - All storm water conveyances including ditches, pipes, and swales;
  - Potential pollutant sources;
  - Where significant spills or leaks have occurred;
  - All storm water monitoring points;
  - Storm water inlets and outfalls, with a unique identification code for each outfall, indicating if you are treating one or more as "substantially identical", and an approximate outline of the areas draining into each outfall;
  - All non-storm water discharges including a description of each;
  - Fueling stations, vehicle and equipment maintenance and/ or cleaning area, loading/ unloading area, areas used for treatment, storage, or disposals of water, liquid storage tanks, processing and storage areas, immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste materials, or by- products used or created by the facility, transfer areas for substances in bulk, and machinery;
  - Run-on to your site from adjacent property that contains significant quantities of pollutant including the sources; and
  - Municipal separate storm sewer systems, where your storm water discharges to them.

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

- There was not a log of significant spills of leaks recorded. Please note that any release of petroleum-based product of 25 gallons or more on the ground or a spill that results in sheen on a water of the state is a reportable quantity and must be listed as a significant spill or leak.

- Bellaire Road Auto Parts has not conducted any benchmark monitoring to date. Please note that at least four benchmark samples must be taken before the end of Year 3 of the NPDES permit, i.e., December 31, 2014. At least one benchmark sampling must be taken during each of the quarterly monitoring periods stipulated in Part 6.1.7 of the NPDES permit. For parameters that are hardness-dependent, please refer to Appendix J for how to determine the hardness value of the receiving stream. Ohio EPA data indicates that the mean hardness of Big Creek is 283 mg/L. Results of benchmark monitoring must be reported to Ohio EPA within 30 days of receiving results from the lab. Results must be reported using Ohio EPA's e-DMR system. Information on setting up an account is available at:

[www.epa.ohio.gov/dsw/edmr/eDMR.aspx](http://www.epa.ohio.gov/dsw/edmr/eDMR.aspx)

#### Site Inspection

1. The dumpsters behind the building on the lot were uncovered. All dumpsters outside of the facility need to be covered with a tarp or a lid at all times to minimize the creation and discharge of leachate. (see **Fig 1 & 2**).
2. Inside the garage there was antifreeze spilt on the floor. These spills need to be cleaned up immediately to guarantee that they do not reach the runoff storm water. (see **Fig 3**)
3. On the street at the main entrance there were stains and sediment getting tracked off site from the lot. Implement best management practices (BMPs) to keep everything within the lot on site. (see **Fig 4**).
4. The gas tank on the site did have secondary containment, but the plug on the tank missing, therefore, the contaminants were leaking and escaping all controls. The spill needs to be cleaned up and the containment needs to be repaired to ensure that nothing else escapes it. (see **Fig 5**).

Please provide this office with a letter of response no later than **August 21, 2013**, indicating the actions you will take to address the concerns and violations noted above.

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

Sincerely,

  
Julianna Murphy  
Assistant to the District Engineer  
Division of Surface Water

JM:bo

pc: Mike Slepecky, Owner, Bellaire Road Auto Parts (same address as above)

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



**Figure 1:** uncovered dumpster.



**Figure 2:** uncovered dumpster.



**Figure 3:** antifreeze spill in the garage.



**Figure 4:** Sediment that got tracked of site along with spills from cars at the main entrance.



**Figure 6:** (left) Opened drain on the secondary containment for the gas tank. Observed spill coming from the tank below the drain.