



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

August 8, 2013

RE: CUYAHOGA COUNTY
CITY OF VALLEY VIEW
INDUSTRIAL STORM WATER
ANTHONY ALLEGA CEMENT
CONTRACTOR INC
3GR00263*EG

NOTICE OF VIOLATION

John Allega
Stormwater Permit Contact
Anthony Allega Cement Contractor, Inc.
5585 Canal Road
Valley View, OH 44125

Dear Mr. Allega:

On June 26, 2013, Ohio EPA conducted an inspection at the Anthony Allega Cement Contractor, Inc. facility located at 5855 Canal 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 3273: Concrete, Gypsum, and Plaster Products. This corresponds to Subsector E2 in Part 8 of the NPDES permit. During the inspection, Carmen Carbone and Ed DeMore represented Anthony Allega Cement Contractor Inc. 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 3GR00263*EG. Our records show that the permit for your facility was renewed April 1, 2013. Part 5 of the NPDES Permit requires one to create and implement a Storm Water Pollution Prevention Plan (SWPPP). While the facility did not 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

The Notice of Intent (NOI) submitted by Anthony Allega Cement Contractor, Inc. to renew coverage indicates that there is only one outfall from this facility. However, our site inspection indicates that there are three outfalls. The three outfalls are made up of the two drains on the west end of the lot, one north of the building and one south of the building closer to the I-480 bridge (See Fig 1&2), and the concentrated flow going of the south end of the property (See Fig 3). 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 three 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.

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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

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 prepare a SWPPP before submitting the NOI and have it readily available on site.** This is a violation of Part 5 of the NPDES Permit. When arriving on site, Carmen Carbone was under the impression that he was not required to have a SWPPP under the NPDES Permit for Industrial Activity. I corrected him by stating that Part 5 of the NPDES Permit does require the facility to prepare a SWPPP when applying for coverage under the NPDES Permit. Prepare a SWPPP containing all the required information in Part 5 of the NPDES Permit. Be sure to have the SWPPP available on site at all times to comply with Part 5.3 of the NPDES Permit.
- **Failure to prepare and obtain a Site Description.** This is a violation of Part 5.1.2 of the NPDES Permit. This site description shall contain all of 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.

- **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. Anthony Allega Cement Contractor, Inc. 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). Anthony Allega Cement Contractor, Inc. 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 March 31, 2013, for the current reporting year.
- **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. Anthony Allega Cement Contractor, Inc. was unable to produce inspection records to demonstrate compliance with this requirement
- **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. Anthony Allega Cement Contractor Inc 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.
- **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. Anthony Allega Cement Contractor, Inc. was unable to produce training records to demonstrate that any employee training. Training must be more frequent for business with high employee turnover. Please be aware of training tapes that can be obtained 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.
- **Failure to conduct Annual Effluent Limitations Monitoring and maintain documentation of the results.** Anthony Allega Cement Contractor, Inc. assigned sector code (E2) 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 report an annual report of a daily max and day average of total suspended solids and pH. The data collected should be reported to the Ohio EPA's e-DMR no later than 30 days after receiving the results. The following link is where you can submit the data:

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

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

- The Comprehensive Site Evaluation had not yet been completed for reporting year April 1, 2012 to March 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 April 1, 2012 to March 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.
- Anthony Allega Cement Contractor Inc 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. Your facility is required to monitor for Total Aluminum and Total Suspended Solids. 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. 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.

Site Inspection

1. The stockpiles on the lot need to be covered with a tarp or stabilized to eliminate the chance of sediment pollution in the storm water.
2. During the inspection we were informed that the drains on the lot all went to storm water. In this case, they need to be properly maintained and good housekeeping needs to be set in place to keep the sediment and other pollutants out of the drains. One drain was observed to be caked over in sediment. This specific drain needs to be cleaned and control measures and/or best management practices (BMPs) need to be set in place to keep this from reoccurring in the future. **(See Fig 4)**
3. Spill Kits need to be kept on the lot in the appropriate areas in case of a spill.
4. Good housekeeping needs to be set in place in the area of the drums. They were tipped over and rusty. Water runoff can contain the rust from these drums and therefore, lead to a potential pollutant. To avoid the water from hitting them, it is suggested to paint them over store them under cover.

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.

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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.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julianna Murphy".

Julianna Murphy
Assistant to the District Engineer
Division of Surface Water

JM:bo

pc: Carmen Carbone, Safety Officer, Anthony Allega Cement Contractor Inc (same address as above)
Ed DeMore, Head Mechanic and NOI Facility Contact, Anthony Allega Cement Contractor Inc (same address as above)

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

ANTHONY ALLEGA CEMENT CONTRACTOR INC
Valley View Cuyahoga County

Photos Taken: June 26, 2013
By: Juliana Murphy, DSW, NEDO



Figure 1: (upper left) Outfall drain on the west end of the lot, north of the building.
Figure 2: (above) Outfall drain on the west end of the lot, under the I-480 bridge.
Figure 3: (left) Concentrated sheet flow on the south end of the lot under the bridge.



Figure 4: (left) Drain on lot covered in sediment and debris.
Figure 5: (above) the area of the lot that drains into Figure 4.