



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

August 9, 2013

RE: CUYAHOGA COUNTY
CITY GARFIELD HEIGHTS
INDUSTRIAL STORM WATER
TOMLINSON INDUSTRIES
3GR00015*EG

Christine J. Lucas
Human Resources Manager
Tomlinson Industries
13700 Broadway Avenue
Cleveland, OH 44125

NOTICE OF VIOLATION

Dear Ms. Lucas:

On July 16, 2013, Ohio EPA conducted an inspection at the Tomlinson Industries facility located at 13700 Broadway 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 3432: Fabricated Metal Products, except Machinery & Transportation Equipment, and Coating, Engraving, & Allied Services. This corresponds to Subsector AA1 in Part 8 of the NPDES permit. During the inspection, Christine J. Lucas represented Tomlinson Industries. Dean Stoll and I represented the Ohio EPA.

Storm Water Pollution Prevention Plan (SWPPP)

The facility currently has coverage under the Ohio EPA General NPDES Permit 3GR00015*EG. Our records show that the permit for your facility was issued September 1, 2012. Part 5 of the NPDES Permit requires one to create and implement a Storm Water Pollution Prevention Plan (SWPPP). Your facility did not have a SWPPP put together in an organized way containing all of the necessary and required documentation. While the facility did have parts of the 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 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. 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
 - Municipal separate storm sewer systems, where your storm water discharges to them
- **Failure to use the required annual Comprehensive Site Inspection form supplied by the EPA.** This is a violation of Part 4.3.2 and 7.2 of the NPDES permit. Tomlinson Industries 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 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. Tomlinson Industries 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 for the 1st & 2nd quarter of 2013.** 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. Tomlinson Industries. 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. Tomlinson Industries was unable to produce training records to demonstrate that any employee training had occurred. 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) 963-1200 as well as presentations available at www.epa.gov/npdes/training.
- **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.

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

- The Comprehensive Site Evaluation had not yet been completed for reporting year September 1, 2012 to August 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 September 1, 2012 to August 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.
- Tomlinson Industries 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, Total Zinc and Total Nitrate plus Nitrite Nitrogen. 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. In your case you would reference the hardness of Mill Creek. 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 pallet stock piles in the modular area have the potential of leading to possible pollutants if residuals happen to be stored within the wood. It is recommended to keep these stock piles under a covering. **(See Fig 1)**
2. All dumpsters on site must have covering unless kept inside. **(See Fig 2)**
3. There was an unknown orange discharge coming from outfall 003. It was discussed that this discharge should be identified, cleaned up, and its source be located to prevent any further pollution. **(See Fig 3)**
4. The area around the trash compactor needs good housekeeping to keep any of the trash that has spilled over from getting into the storm water. **(See Fig 4)**
5. The drains on the lot were observed to have sediment and broken up asphalt going into them. Sweeping the lot would cut down on the amount of sediment that reaches the drain. It was also discussed that patching the broken asphalt by the drain would eliminate that specific issue. **(See Fig 5 & 6)**

I will not be in the office at the time of your response so please provide a letter of response, no later than **August 27, 2013**, directed to Dan Bogoevski, indicating the actions you will take to address the concerns and violations involving industrial storm water 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 dan.bogoevski@epa.state.oh.us.

Sincerely,



Julianna Murphy
Assistant to the District Engineer
Division of Surface Water

JM:ddw

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



(Starting top left and going clockwise)
Figure 1: Pallet stock piles
Figure 2: Uncovered dumpsters
Figure 3: Unknown orange discharge from outfall 003
Figure 4: Trash outside of compactor
Figure 5: Sediment getting into drain
Figure 6: Broken asphalt getting into drain.

