



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

August 8, 2013

RE: CUYAHOGA COUNTY  
VILLAGE OF CUYAHOGA HEIGHTS  
INDUSTRIAL & CONSTRUCTION  
STORM WATER  
CHARTER STEEL  
3GR01053\*EG (INDUSTRIAL)  
3GC06113\*AG (CONSTRUCTION)

Jay Lawniczak  
Sr. Environmental Engineer  
Charter Steel  
4300 East 49<sup>th</sup> Street  
Cuyahoga Heights, OH 44125

**NOTICE OF VIOLATION**

Rick Gaskill  
Charter Steel  
1658 Cold Springs Road  
Saukville, WI 53080

Dear Mr. Lawniczak & Mr. Gaskill:

On May 30<sup>th</sup>, 2013, Ohio EPA conducted an inspection at the Charter Steel facility located at 4300 East 49<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 #OHR000005 & Construction Activity. The site's industrial activities are categorized by the Standard Industrial Classification (SIC) Code 3312: Steel Works, Blast Furnaces, and Rolling & Finishing Mills. This corresponds to subsector code F1 in Part 8 of the NPDES permit. During the inspection, Todd Piros and Rick Gaskill represented Charter Steel. We were joined later for the recap by Mike Bellantis and you. Ray Knapp and other representatives of Great Lakes Construction EPA were also present for part of the inspection. Dan Bogoevski, Josh Bewley and I represented Ohio EPA.

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

**Industrial**

During the inspection, the SWPPP was reviewed. The SWPPP is part of an Integrated Contingency Plan for the facility. The Site Map identifies two storm water outfalls. Outfall 001 drains the 360-acre northern portion of the property through a large retention basin to the Cuyahoga River. Outfall 002 drains the 40-acre southern end of the site to the southeast and eventually to the Cuyahoga River. All inspection and monitoring reports required by the NPDES permit were reviewed and were generally found to be complete. Routine Facility Inspections and Quarterly Visual Assessments have occurred quarterly and results documented. Comprehensive Site Evaluations have occurred annually and an Annual Report has been completed. However, we noted the following violations of the NPDES permit:

- **Failure to report monitoring data to Ohio EPA.** This is a violation of Part 7.1 of the NPDES permit and Ohio Revised Code 6111.04 and 6111.07. Although benchmark monitoring has been conducted, the results were not reported to Ohio EPA through our online electronic discharge monitoring report (eDMR) system within 30 days of receiving results from the lab. Information about the eDMR system can be found on our website at [www.epa.ohio.gov/dsw/edmr/eDMR.aspx](http://www.epa.ohio.gov/dsw/edmr/eDMR.aspx). If you need assistance in the use of eDMR, please contact Jamie Roberts in our Central Office at (614) 644-2054.
- **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.
- **Failure to modify the Notice of Intent (NOI) to reflect a change in facility contact information.** This is a violation of Appendix B.11.D of the NPDES permit and ORC 6111.04 and 6111.07. The NOI lists Beth Zaskowski as the facility contact, but it was indicated that she is no longer an employee at Charter Steel. Please submit a modified NOI and explanatory cover letter to:

Ohio EPA  
ATTN: Jason Fyffe, DSW  
P.O. Box 1049  
Columbus, OH 43216-1049

Finally, please review the Site Map to ensure it contains the information required by Part 5.1.2 and 8.F.3.1 of the NPDES permit. Although Charter Steel was able to produce a Site Map, it was not contained within the SWPPP section of the Integrated Contingency Plan. The Site Map is a required component of the SWPPP.

### **Construction**

The SWP3 that was provided to us on site was lacking several important qualities. The SWP3 should be kept with all of the construction drawings, as its purpose is to aid construction workers in the building and implementing of construction and post-construction best management practices (BMPs) **Part III.G.1.n of the general NPDES permit requires that the SWP3 contain a site map containing a checklist of requirements.** The SWP3 provided to us failed to include a map. **Part III.G.2.d of the NPDES permit also calls for detailed drawings of all sediment control structural practices.** No detailed diagrams were included in the SWP3. These are necessary because workers are supposed to use those drawings to properly construct structural sediment controls.

In addition, the SWP3 provided to us did not include the implementation of post-construction BMPs. Part III.G.2.e states that sites that have been previously developed where no post-construction BMPs were installed shall either ensure a 20 percent net reduction of the site impervious area, provide for treatment of at least 20 percent of the WQv, or a combination of the two. Since the melt shop addition is a redevelopment plan, post-construction BMPs must be installed. Options may include permeable pavement or installing bio retention cells.

### Site Inspection

We noted the following storm water pollutant concerns during our site inspection:

### Industrial

1. **Failure to minimize exposure of manufacturing, processing and material storage areas to rain, snow, snowmelt and runoff.** This is a violation of Part 2.12.1 of the NPDES permit and ORC 6111.04 and 6111.07. In particular, we noted that coal, HPI, scrap metal, billets, coils, refractories, slag, limestone and other waste storage areas were exposed to precipitation. In many instances, exposure could be minimized by moving materials under existing shelters, lidded bins or covering with tarps. This is particularly true for material stored in waste dumpsters (see **Figure 1**) and in the scrap yard (see **Figure 4**). In other instances, shelters may need to be expanded to align with expected storage needs, e.g., coal storage and HPI (see **Figure 2**).
2. **Failure to implement a good housekeeping program that includes a cleaning and maintenance program for all impervious areas of the facility where particulate matter may accumulate.** This is a violation of Part 2.1.2.2 and 8.F.2.1 of the NPDES permit and ORC 6111.04 and 6111.07. Significant accumulations of dust and particulate matter were evident on the ground around the slag hopper of the Alloy System and the carbon fill port of the Moraya Carbon Fill Station (see **Figure 3**). A catch basin near the Alloy System was clogged from dust and debris that has accumulated in the area. To address these concerns, Charter Steel must implement a regular sweeping program or equivalent to clean up spills and minimize off-site tracking. You should also implement storm drain inlet protection on catch basins within these areas. There are a number of commercially-available storm drain inlet protection devices or you may refer to specifications contained in **Rainwater and Land Development** available online at <http://www.dnr.state.oh.us/tabid/9186/Default.aspx>. In addition, rolling mill scale is being tracked outside the containment area by vehicle traffic (see **Figure 5**). You should consider constructing a berm or other barrier to prevent vehicle traffic from contacting rolling mill scale or entering the containment area where it is stored.

In addition, we observed both storm water outfalls and noted discharges were occurring *at a time of dry weather*. Although the discharges from both outfalls appeared clear, we noted an orange, rust-colored tint to the stone below Outfall 002 (see **Figure 6**). Billet storage occurs within the drainage area of Outfall 002 and we did note that some billets were rusty. Please refer to the recommended BMPs contained in the US EPA Industrial Storm Water Fact Sheet series online at <http://cfpub.epa.gov/npdes/stormwater/swsectors.cfm> to determine appropriate practices for your industry.

Please provide a letter of response, directed to Dan Bogoevski, indicating the actions you will take to address the concerns and violations involving industrial storm water noted above. Please provide him with a letter of response no later than **August 27, 2013**.

I will not be in the office at the time of your response so 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](mailto:dan.bogoevski@epa.state.oh.us).

### **Construction**

- Section 2.3.2 of the SWP3 states that *all construction-related trash will be collected and stored in a securely **covered** metal dumpster*. The dumpsters that we saw on site were not covered by a tarp or lid. (**Figure 1**)
- **Non-sediment pollution controls require repair and maintenance as the NPDES Permit. ALL concrete wash out is to occur ONLY at the washout pit location, NOT on bare soils. (Figure 2)** Runoff from the concrete/mortar mixing area must be collected either by creating a berm around the area or by grading the area toward the concrete washout pit. Please add secondary containment, such as a containment dike, and a spill kit at the oil drum on the north site. (**Figure 4**) Materials must be kept on site so that spills can be cleaned up should they occur and crews must be trained on proper spill response procedures.
- Section 2.1 of the SWP3 states that *disturbed areas outside the footprint of new buildings and paved areas will be re-vegetated lawn seeding and as part of erosion protection activities in accordance with the technical specifications provided for seeding*. This does not give a time frame for when seeding should occur. As of April of this year, **temporary stabilization must be initiated within 7 days of last disturbance on any disturbed area of the site if it will not be further disturbed within 14 days of last disturbance. Permanent stabilization must be initiated within 7 days of reaching final grade.** The northeastern side of the construction site required stabilization. (**Figure 3**)

Our records also indicate that Charter Steel has an active general NPDES permit for construction activities #3GC05235 issued on January 4, 2011. The contact name Ohio EPA has on file is Mike Alderson at Charter Steel. Before NPDES permit coverage can be terminated, post-construction water quality best management practices (post-construction BMPs) must be installed and a long-term maintenance plan must be provided to the party that will be responsible for long-term maintenance of those practices, e.g., homeowners' association. Post-construction BMPs are permanent site features that will remain in perpetuity to improve the quality of storm water runoff from the development site. Examples of post-construction BMPs include, but are not limited to, extended detention basins, bio-retention cells (commonly known as "rain gardens"), sand filters, permeable pavement, and water quality swales. In some cases post-construction BMPs include non-structural preservation areas such as riparian and wetland setbacks.

Please review your site to determine if it has reached final stabilization and ensure that post-construction BMPs have been installed. If you determine that your site has reached final stabilization, you must submit a Notice of Termination (NOT) to Ohio EPA to terminate NPDES permit coverage. The form and instructions are available on our website at [www.epa.ohio.gov/dsw/storm/stormform.aspx](http://www.epa.ohio.gov/dsw/storm/stormform.aspx).

You are directed to submit a **letter of response addressed to Dan Bogoevski, District Engineer of the Ohio EPA, Division of Surface Water, to be received no later than August 27, 2013, indicating any corrective changes to the construction storm water SWP3.** In addition, please send your 2 most recent weekly inspections either by fax (330) 487-0769 or by email. If you have any further questions, please contact Dan Bogoevski at Dan.Bogoevski@epa.ohio.gov or (330) 963-1145.

Sincerely,



Julianna Murphy  
Assistant to the District Engineer  
Division of Surface Water

Sincerely,

Josh Bewley  
Assistant to the District Engineer  
Division of Surface Water

JM:ddw

cc: Mike Bellantis, Environmental Coordinator, Charter Steel  
Todd Piros, Safety Engineer, Charter Steel  
Todd Sciano, Engineer, Village of Cuyahoga Heights  
Jay Lawniczak, Charter Steel  
Thomas J Holtan P.E., AECOM  
Jim Moore, Great Lakes Construction  
Mike Alderson, Charter Steel  
Jack Bacci, Mayor, Village of Cuyahoga Heights

ec: Dan Bogoevski, Ohio EPA, DSW, NEDO

**CHARTER STEEL**  
Cleveland Cuyahoga County

**Photos Taken:** May 30, 2013  
**By:** Juliana Murphy, DSW, NEDO



**Figure 1:** *(Top Left)* Uncovered dumpsters  
**Figure 2:** *(Middle Left)* Uncovered coal stock pile  
**Figure 3:** *(Bottom Left)* Sediment from the lot washing directly into the storm drain and clogging it. This is near slag stock piles.  
**Figure 4:** *(Top Right)* Drain with holes in it where runoff from the outdoor scrape is going.



**Figure 5:** *(Top)* Rolling Mill Station getting tracked into the roadway.

**Figure 6:** *(Bottom)* Rust colored in the water coming out of Outfall 002.

