



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

September 27, 2013

RE: CUYAHOGA COUNTY
CITY OF BEDFORD HEIGHTS
INDUSTRIAL STORM WATER
NEW YORK FROZEN FOODS
3GR01017*EG

Mike Mahon, Plant Manager
T. Marzetti Co.
25900 Fargo Ave
Bedford Heights, OH 44146

Dear Mr. Mahon:

On September 12, 2013, I performed a facility inspection to determine compliance with the Ohio EPA's General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Industrial Activities #OHR000005. I was accompanied by Molly Sunkle, also from the Ohio EPA's Division of Surface Water. We met with you and Brad McWithey, a member of the pollution prevention team. Our records indicate that this facility is categorized under Standard Industrial Classification (SIC) Code 2051: Bread and Other Bakery Products, Except Cookies and Crackers. As such, this facility falls under Subsector U3 in Part 8 of the NPDES permit.

Storm Water Pollution Prevention Plan (SWPPP)

The SWPPP was reviewed as part of this inspection. Although we were provided with an updated SWPPP subsequent to our inspection, the facility had difficulty producing the current version of the SWPPP at the time of inspection. The facility does not keep a hard copy of the SWPPP. Ohio EPA recommended that the facility maintain a three-ring binder on site with the current SWPPP, associated records from the current NPDES permit term and a copy of the NPDES permit. This should facilitate future compliance inspections for both the facility and Ohio EPA.

In reviewing the SWPPP, the following items need improvement:

- **Potential Pollutant Sources** – Part 8.U.4.2 of the NPDES permit requires the SWPPP to identify the application and storage of pest control chemicals, e.g., rodenticides, insecticides, fungicides, as a potential pollutant source. The list of potential pollutant sources in Part 3.3 of the SWPPP does not include pest control chemicals. Please add these to the pollutant source list, as applicable.
- **Site Map** – Part 5.1.2 of the NPDES permit lists the items that must be shown on the Site Map. The Site Map for New York Frozen Foods does not provide the following:
 - The size of the property in acres,
 - Although depicted, the locations of potential pollutant sources identified in Part 3.3 of the SWPPP are not labeled. As such, anyone who is not familiar with the facility would not be able to identify the locations of pollutant sources. Please label the locations as they are identified in Part 3.3 of the plan, e.g., flour silo filling station, roof vents, feed dumpster, etc. Please note that Part 8.U.4.1 of the NPDES permit requires your sector to identify the location of vents and stacks from cooking, drying, and similar operations; dry product vacuum transfer lines; spoiled product; and broken product container storage areas.

- o Location of storm water outfalls with the unique identification code for each outfall, e.g., Outfall 001 and Outfall 002,
- o Municipal separate storm sewer systems (MS4s) to which you discharge, i.e., City of Bedford Heights MS4.

Ohio EPA also recommends that the Site Map be enlarged, and if feasible, printed in color, so as to make it easier to read. The map included within the SWPPP currently is of limited legibility.

- **Non-Storm Water Discharges** – The SWPPP does not include language identifying the prohibited non-storm water discharges applicable to your sector. Language contained in Part 8.U.2.1 of the NPDES permit should be added to this section of the SWPPP. Where one of the listed prohibited non-storm water discharges is not applicable to your facility, please provide an indication of such. Please note that all non-storm water discharges not listed in Part 1.1.3 of the NPDES permit must be authorized under an appropriate NPDES permit or be eliminated (see item on Feed Dumpster below).
- **Employee Training** – Part 5.1 of the SWPPP identifies the topics covered when conducting the employee training required by Part 2.1.2.9 of the NPDES permit. The topics do not include those required for your sector. Part 8.U.3.1 of the NPDES permit requires employee training to address pest control. Please amend Part 5.1 of the SWPPP accordingly.

Monitoring, Recordkeeping and Reporting

New York Frozen Foods is subject to Routine Facility Inspection, Comprehensive Site Inspection and Quarterly Visual Assessment requirements of the NPDES permit. This facility is not subject to Benchmark Monitoring or Effluent Limitation Monitoring. A review of self-inspection and monitoring records indicates that routine facility inspections, comprehensive site inspections and quarterly visual assessments have been conducted as required by the NPDES permit. However, Ohio EPA noted that the Annual Report required by Part 7.2 of the NPDES permit was not documented on the Annual Report Form provided by Ohio EPA. Facilities are to use the form located in Appendix I of the NPDES permit and available online at: http://www.epa.ohio.gov/dsw/permits/GP_IndustrialStormWater.aspx. Please be sure to use the required form in the future. Also, be aware that reporting templates for all required inspection and monitoring are available at the aforementioned website.

New York Frozen Foods exceeds the minimum requirement for Routine Facility Inspection. Although only required once per quarter, the facility performs an inspection of storm water best management practices on a monthly basis. For clarity, Ohio EPA recommends that the Monthly Assessments of Storm Water Prevention Measures (as they are called in the SWPPP) be renamed to Routine Facility Inspections. Then, if you wish to keep conducting these inspections on a monthly basis rather than quarterly basis, indicate that routine facility inspections will be conducted on a monthly basis in the SWPPP.

A review of the records for Quarterly Visual Assessment for the past four quarters did not reveal any particular concerns. However, New York Frozen Foods keeps grab samples taken to conduct the assessments. Reports for visual observations conducted on August 22, 2013, indicate that discharges from both 001 and 002 were clear (with the exception of one floating black spec) and did not contain any suspended or settled solids. The samples when observed on September 12, 2013, indicate that the sample from 001 has suspended solids and the sample from 002 has both suspended and settled solids. Both the suspended solids and settled solids were white in color. You indicated that this was not observed when the samples were collected. New York Frozen Foods should evaluate these findings and determine if improvements to BMP implementation are needed. Two possible sources which may explain the observations are: (a) the roof where organic dust (flour) is exhausted through

vents and (b) the Flour Silo area. The flour dust may be too small to notice at the time that samples are taken, but biological growth in the ensuing weeks may have made it more visible. BMPs to minimize the discharge of organic dust and flour are suggested under the Site Inspection portion of this inspection letter.

When taking samples for the Quarterly Visual Assessment, please be sure to follow the protocol as stated in Part 5.4 of the SWPPP and required by Part 4.2.1 of the NPDES permit. Samples are to be taken within the first 30 minutes of discharge and the discharge must be from a storm event that was preceded by a 72-hour dry period. When the protocol cannot be followed, you must document why the protocol could not be followed for the given sample. You indicated that you do not always follow the required sampling protocol, but Quarterly Visual Assessment records provide no indication of such or explanation as to why the protocol could not be followed. Please be sure to follow the required protocol and provide documentation as to why it was not followed when those instances occur.

Finally, employee training records indicate that training was last conducted in February 2013. Although Ohio EPA does not set any minimum requirements on the training materials utilized, training can be more effective if it focuses on good and bad BMP implementation and utilizes photographs from around the facility or from other T Marzetti facilities to illustrate the points. You may also want to utilize training videos. A number of spill control and storm water pollution prevention videos are available for purchase from private vendors. Ohio EPA has a library of some of these videos that you may borrow for future training. If interested, please contact me for further information.

Site Inspection

Our inspection revealed the following deficiencies in storm water best management practice (BMP) implementation:

- **Feed Dumpster** – This dumpster is used for the disposal of waste, spoiled and broken food product. Leachate was observed discharging from the dumpster to an adjacent storm drain. Part 5.1 of the SWPPP indicates that, if the contents of the dumpster or compactor leaks, drain covers are to be placed over drains and remain covering the drain until the area has been cleaned up per the response plan. Drain covers were not in place. Rather, inlet protection was installed on the storm drain. Although it was in good condition, please be aware that these devices are only effective for keeping gross pollutants like pieces of food scrap from entering the storm drainage system, but are not effective at preventing the discharge of leachate to the storm sewer system. The storm drain inlet protection device used is not a “drain cover” typically used for spill response. Drain covers temporarily seal off the drain to prevent pollutants from entering.

It appears that leakage from this dumpster was also noted during our last storm water compliance inspection conducted on May 31, 2011. Leachate is a non-storm water discharge and is not authorized under the NPDES permit. Per Part 2.1.2.10 of the NPDES permit, you must eliminate non-storm water discharges not authorized by an NPDES permit. Please utilize drain covers as indicated in the SWPPP and if they are not effective or cannot be implemented effectively, additional control measures will be required. Options may include, but are not limited to, use of leakproof dumpsters; improvements to the trash disposal system that would prevent leaks and product spills; re-routing the storm drain to the sanitary sewer system with the permission of the wastewater treatment plant operator; increase dumpster area inspection frequency and improve good housekeeping and spill response procedures.

- **Flour Silo Area** – BMPs are in place and in good condition. The BMPs selected appear to be appropriate for the area; however, timelier implementation is needed. Filters have been placed

on storm drains and there is a drip tray with valve closed under the main connection port where flour is received. However, we noted some spillage of flour on the ground that had not been cleaned up. The SWPPP indicates that the Flour Silo area is to be cleaned after deliveries, as needed, by the Shipping or Sanitation staff. This generally occurs on a weekly basis, but may need to be done more frequently. As an example, we suggested the delivery clerk sweep up spills after each delivery.

- **Roof Vents** – We noted appreciable deposits of organic dust (primarily flour and corn meal) on the roof near exhaust vents from baking ovens. You indicated that these vents do not have any filters or other such air pollution controls. The SWPPP indicates the roof will be inspected monthly and cleaned, if needed. However, it does not provide a measurable guideline for when this cleaning is to occur. Ohio EPA recommends that a regular cleaning program be established for the roof. In addition, the SWPPP calls for daily good housekeeping of the plant interior to limit dust accumulations that may be released through venting. Please ensure the SWPPP is being followed. Other options New York Frozen Foods may wish to consider include, but are not limited to: install filters or other appropriate air pollution control equipment, ensure existing air pollution control equipment is maintained, place tubs around vents and stacks for easy collection of settling particles, and ensure the good housekeeping program includes removal of fugitive dust from ledges, walls, floors and equipment.
- **Equipment Maintenance** – While conducting this inspection, we noted spilled corn meal outside along the east side of the building. You indicated that an oven had been repaired in this location and the corn meal spilled during that process and was not cleaned up. Please clean up the spilled material and dispose of properly. Equipment repair should occur indoors or under cover whenever possible. If it must be conducted outdoors, conducting maintenance on a tarp or other such protective barrier will facilitate clean up. Temporary control practices can be implemented to prevent the migration of pollutants to storm drains or off-site. Spills must be cleaned up in a timely manner.

Please provide me with a letter of response indicating the actions you have taken to address the concerns noted herein. Include any revisions to the SWPPP, if applicable. Where corrective action has not been completed by the date of requested response, please indicate when you expect action to be completed. Your response should be received **no later than October 11, 2013**. Please be aware that failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07 and is punishable by fines.

If you have any questions, please contact me at (330) 963-1145.

Sincerely,



Dan Bogoevski, District Engineer
Division of Surface Water

DB:ddw

cc: Don Beirut, Engineer, City of Bedford Heights (c/o Chagrin Valley Engineering)
Dave Pocaro, Director, City of Bedford Heights Water Reclamation
Fletcher Berger, Mayor, City of Bedford Heights
Valencia White, Cleveland Division of Air Quality, Cleveland Department of Public Health
ec: Molly Sunkle, DSW, NEDO

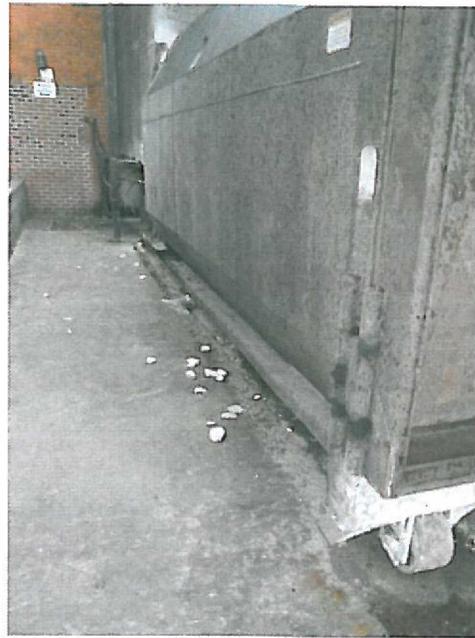


Fig 1 & 2. Leachate from the Feed Dumpster leaks into the storm sewer system. Waste food product is spilled on the ground by the dumpster. The dumpster is changed out on a daily basis. The dumpster is not designed to be “leak-proof”.



Fig 3 (LEFT). Spill of corn meal in area where equipment maintenance was conducted outdoors on east side of building.
Fig 4 (ABOVE). Drip tray at the flour receiving station.



Fig 5. Storm drain inlet protection has been installed on catch basins in the Flour Silo Area. Good housekeeping is the other BMP implemented here, but flour spills and accumulations were noted.



Fig 6. Flour dust is evident around roof vents and stacks.