

OHIO

Retail Environmental Enforcement Summary

January 1, 2017 - June 30, 2017



The Ohio Environmental Protection Agency (Ohio EPA) enforces the state's environmental laws



99 Enforcement actions were issued to retailers

The types of retail stores facing enforcement.

 Automotive Store	31	 Grocery Stores	1
 Dry Cleaners	3	 Motor Vehicle Dealers	2
 Gas Station	29	 Variety Stores	14



\$311

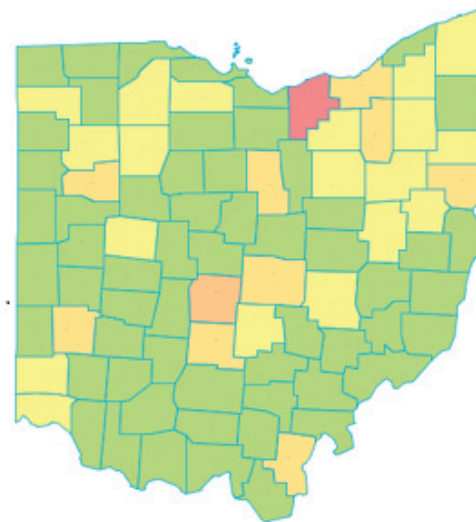
Total fines issued to retailers

98% ↑

Enforcement action increase in 2017

Enforcement by county

[Click here](#) for interactive map.

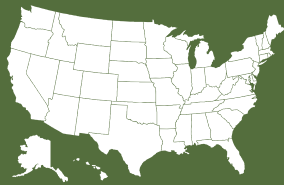


HIGHLIGHTS

Between January 1, 2017 and June 30, 2017, 81 enforcement actions filed by the Ohio Environmental Protection Agency (Ohio EPA) were issued to retail establishments. This is a significant increase from the 41 enforcement actions issued between January 1, 2016 and June 30, 2016.

Automotive stores and gas stations received the greatest amount of enforcement for a variety of regulation noncompliance, including air, hazardous waste, drinking water, scrap tire, and stormwater violations from January 1, 2017 and June 30, 2017. Additionally, eighteen retail establishments were inspected by the Ohio EPA. Most of inspections focused on stormwater program compliance.

Fines issued ranged from \$11 to \$150, in addition to actions required to bring the entities into compliance. A total of \$1,550 in fines were issued between July 1, 2016 and December 31, 2016.



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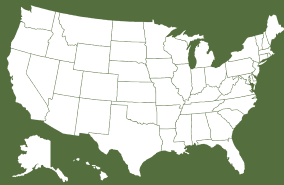
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ENFORCEMENT DETAIL

Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
Air. Violations covered an automotive store, dry cleaners, and gas stations. Violations included failure to: submit an annual Permit Evaluation Report (PER), submit a complete Permit-to-Install and Operate (PTIO) application, and complete the decommissioning process.						
Air	Automotive store	Notice of Violation (NOV)	Failure to: <ul style="list-style-type: none"> • Submit an annual PER 	Putnam	1	The retailer was required to: <ul style="list-style-type: none"> • Prepare and submit a properly completed PER
	Dry cleaners	NOVs	Failure to: <ul style="list-style-type: none"> • Submit a complete PTIO application for the emission unit(s) for the new facility location • Submit an annual PER 	Lorain Richland Sandusky	1 1 1	Retailers were required to: <ul style="list-style-type: none"> • Submit a complete PTIO application for the emission unit(s) for the new facility location • Prepare and submit a properly completed PER
	Gas stations	NOVs	Failure to: <ul style="list-style-type: none"> • Complete the decommissioning process 	Lorain	6	Retailers were required to: <ul style="list-style-type: none"> • Complete the decommissioning process



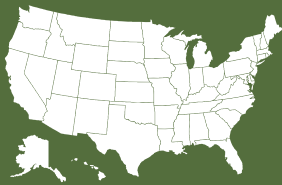
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Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
Drinking water. Violations covered an automotive store, gas stations, and variety stores. Violations included failure to: operate the PWS under a LTO, comply with total coliform monitoring requirements, and designate an Operator of Record (ORC).						
Drinking water	Automotive store	NOV	Failure to: <ul style="list-style-type: none"> Operate the PWS under a LTO 	Summit	1	\$11 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> Pay the application fee and the 10% penalty late fee
	Gas stations ²	Director's Final Findings and Orders (DFFOs) NOV	Failure to: <ul style="list-style-type: none"> Add proper gap to drain line from the water softening system Comply with total coliform monitoring requirements Conform potassium permanganate in contact with PWS to ANSI/NSF 60 standard Designate an ORCExtend the well cap when the casing was extended Maintain pressure tank gauge Maintain the minimum required chlorine residual in the distribution system Maintain wellhead and area around it Properly monitor for total coliform Provide adequate protection for well casing Provide continuous disinfection to ground water systems 	Ashtabula Geauga Licking Logan Montgomery Stark Summit Wayne	1 1 1 1 1 2 1	\$150 fine. \$150 fine. In addition, retailers were required to: <ul style="list-style-type: none"> Complete the ORC Notification Form Complete verification form Comply with all current and subsequent chemical monitoring schedules Install additional protection around the well casing Notify the people served by the water system of failure to comply with total coliform monitoring requirements Obtain a certified ORC Provide additional soil around the well Repair the electrical conduit Replace or repair tank gauge Re-plumb the drain line Submit a plan approval application for continuous disinfection Use only potassium permanganate that is to ANSI/NSF 60 standard



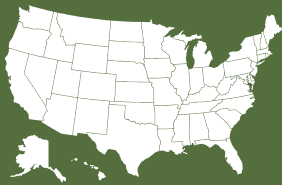
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Drinking water	Variety stores	NOVs	Failure to: <ul style="list-style-type: none"> • Complete the start-up procedure before providing water to the public • Comply with total coliform monitoring requirements • Comply with the Maximum Contaminant Level (MCL) for E.coli • Protect casing and top of well against contamination or damage • Slope finished grade for stormwater runoff away from the well • Use the approved equipment to make changes in a PWS 	Carroll Fairfield Franklin Pickaway	1 1 2 1	Retailers were required to: <ul style="list-style-type: none"> • Begin monthly routine total coliform sampling • Complete the start-up procedure for the PWS • Complete verification form • Conduct a Level 2 Assessment • Discontinue the boil order advisory after a set of three repeat samples was total coliform-negative • Issue boil order public notice • Notify the people served by the water system of failure to comply with total coliform monitoring requirements • Provide well protection • Re-slope the ground surface to provide a slope away from the well casing • Submit a compliance plan on how the retailer planned to correct the violation



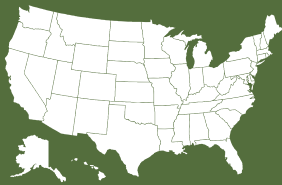
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Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
<p>Hazardous waste. Violations covered automotive stores and gas stations. Violations included failure to: determine if wastes in containers were hazardous, obtain a hazardous waste permit, and properly label all containers and aboveground storage tanks (ASTs).</p>						
Hazardous Waste	Automotive stores	NOVs	Failure to: <ul style="list-style-type: none"> • Clean up a release of used oil from the 250-gallon tank • Determine if wastes in containers were hazardous • Determine if empty aerosol cans going into the trash were hazardous or nonhazardous • Obtain a hazardous waste permit • Properly label all containers and ASTs • Properly respond to, clean up, and manage used oil tank leaks • Store hazardous waste within the number of days allowed 	Columbiana Cuyahoga Franklin Hamilton Montgomery Portage	1 1 4 1 2 1	Retailers were required to: <ul style="list-style-type: none"> • Clean up and properly manage used oil and debris • Haul used oil with transporters that have a U.S. EPA ID number • Evaluate wastes to determine if they are hazardous wastes and properly manage them • Label drums and submit a photograph as evidence • Label each used oil container with the words "Used Oil" • Send an email stating that aerosol cans will be taken to a metal scrap dealer in the future
	Gas stations	NOVs	Failure to: <ul style="list-style-type: none"> • Evaluate the drum contents • Prevent ASTs from leaking • Properly label ASTs containing used oil with the words "Used Oil" 	Cuyahoga	2	Retailers were required to: <ul style="list-style-type: none"> • Instruct staff in preventive measures to contain any leaking used oil • Properly label tanks • Repair the leaking valves • Submit waste evaluation/management information



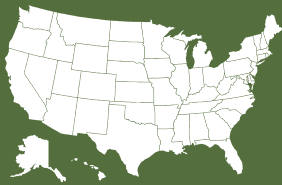
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Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
Scrap tire. Violations covered automotive stores. Violations included failure to: complete and maintain shipping papers, maintain mosquito control on tires, and maintain mosquito control application records						
Scrap tire	Automotive stores	DFFOs NOVs	Failure to: <ul style="list-style-type: none"> • Complete and maintain shipping papers • Ensure that scrap tires are transported by a registered transporter • Have enough aisle space for scrap tires stored • Have mosquito control records available • Maintain fire lanes • Maintain mosquito control on scrap tires • Maintain mosquito control application records • Obtain a registration or a license for scrap tire facility • Obtain receipts from the registered transporter and disposal facility • Properly dispose of and store scrap tires • Provide removal and disposal receipts and scrap tire shipping papers • Submit an application for a registration certificate 	Allen Columbiana Defiance Hancock Muskingum Richland Tuscarawas	3 1 1 1 1 1	Retailers were required to: <ul style="list-style-type: none"> • Cease open dumping of scrap tires • Ensure a registered scrap tire transporter was used to transport scrap tires • Maintain mosquito control records • Maintain mosquito control • Move scrap tire pile 25 feet from the building • Obtain receipts from the registered transporter and the disposal facility after tire removal • Properly store scrap tires. • Remove all existing improperly stored scrap tires



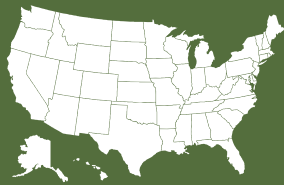
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Stormwater. Violations covered automotive stores, gas stations, and variety stores. Violations included failure to: maintain silt fence, obtain an industrial stormwater permit, and take samples for Quarterly Visual Assessment.						
Stormwater	Automotive stores	NOV	Failure to: <ul style="list-style-type: none"> • Conduct active construction without a Construction General Permit (CGP) • Obtain an industrial storm water permit • Present a Storm Water Pollution Prevention Plan (SWPPP) • Properly conduct and document inspections • Take samples for Quarterly Visual Assessment • Legally discharge pollutants to Waters of the State with a National Pollutant Discharge Elimination System (NPDES) permit 	Cuyahoga Franklin Mahoning Gallia Lorain Medina	1 1 1 2 1 1	Retailers were required to: <ul style="list-style-type: none"> • Collect samples for quarterly visual assessments • Contact municipality about connecting the property to the system and submit a plan with a specific date to complete the sewer connection • Develop and submit a SWPPP • Install and maintain sediment controls • Conduct inspections quarterly • Submit a complete NPDES permit application • Submit copies of quarterly assessment reports • Submit a notice of intent (NOI) to obtain coverage under the CGP • Submit a plan detailing how the retailer will gain coverage under the Industrial Storm Water Permit Program
	Gas stations ²	NOVs	Failure to: <ul style="list-style-type: none"> • Have a licensed wastewater operating the plant • Maintain silt fence • Properly maintain the wastewater treatment plant (WWTP) • Stabilize the soil in areas between the parking lot and State Route 23 and along the driveway • Legally discharge pollutants to Waters of the State with a NPDES permit 	Licking Lorain Wood	1 4 1	Retailers were required to: <ul style="list-style-type: none"> • Provide the SWPPP • Reinstall a silt fence • Retain a licensed wastewater operator to operate the WWTP • Submit a complete NPDES permit application • Submit a corrective action plan to stabilize all areas of the site



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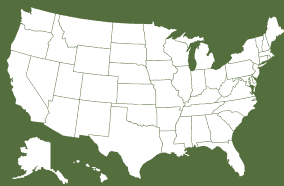
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Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
Stormwater	Variety stores ²	NOVs	Failure to: <ul style="list-style-type: none"> • Correct rock outlet protection to prevent erosion • Install sediment controls • Properly install a silt fence • Stabilize the area surrounding the septic mound • Submit SWPPP • Temporarily stabilize barren areas • Legally discharge concrete washout to the sediment basin 	Franklin Pickaway	1 1	Retailers were required to: <ul style="list-style-type: none"> • Correct rock outlet protection • Install a concrete wash out pit and direct concrete truck drivers to use pit • Install sediment controls • Permanently stabilize the areas that have reached final grade • Provide temporary stabilization to the documented areas • Repair and/or install silt fenceSubmit SWPPP
Wastewater. Violations covered a gas station. The retailer illegally discharged sewage to the ground surface in the leaching bed portion of its sewage disposal system.						
Wastewater	Gas station ²	NOVs	Failure to: <ul style="list-style-type: none"> • Legally discharge sewage to the ground surface in the leaching bed portion of its sewage disposal system 	Butler	1	The retailer was required to: <ul style="list-style-type: none"> • Complete corrective actions to prevent any future incidents of sewage surfacing from the sewage disposal system

¹ See Glossary for details

² Retailers received more than one enforcement action across one or more enforcement areas.



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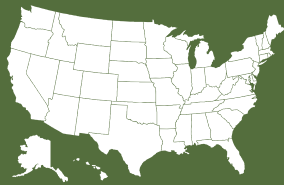
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INSPECTIONS

Enforcement Area	Store type	Enforcement Type	Enforcement Summary	County
Stormwater. Inspections for stormwater violations were conducted at automotive stores, gas stations, a grocery store, motor vehicle dealers, and variety stores.				
Stormwater	Automotive store ²	Compliance Inspection	<p>On May 17, 2017, an inspector noted that:</p> <ul style="list-style-type: none"> The oil/water separator had been disconnected from the town's sanitary sewer <p>Since this wastewater was no longer being discharged to the town, an indirect discharge permit (IDP) was not required.</p>	Allen
	Automotive store ²	Compliance Inspection	<p>On January 11, 2017, an inspector noted that:</p> <ul style="list-style-type: none"> Most of the silt fence was not properly installed There were new barren areas that were idle or near final grade The construction entrance did not have adequate controls to prevent mud from being tracked off-site The skimmer was not installed on the sediment basin <p>The inspector recommended that the silt fence be properly installed and maintained and that adequate controls be installed.</p>	Franklin
	Automotive store	Compliance Inspection	<p>On June 9, 2017, an inspector noted that:</p> <ul style="list-style-type: none"> The construction activities appeared to be complete, but the area along the perimeter of the facility and the sediment basin were not completely stabilized 	Huron
	Gas station	Compliance Inspection	<p>On May 11, 2017, an inspector noted that:</p> <ul style="list-style-type: none"> The retailer was in significant non-compliance (SNC) due to outstanding violations In December 2016, there were several instances when flow readings were not recorded <p>The retailer was:</p> <ul style="list-style-type: none"> Attempting to discern the cause of the elevated ammonia in the effluent discharge pipe Working to identify the extent of damage to the effluent discharge pipe 	Licking
	Gas station	Compliance Inspection	<p>On June 5, 2017, an inspector noted the</p> <ul style="list-style-type: none"> Lack of a concrete wash-out pit at the site Site was absent of sediment and erosion controls <p>The inspector recommended a designated concrete wash-out pit be installed and that sediment and erosion controls be installed.</p>	Pickaway



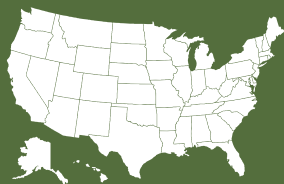
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Stormwater	Gas station	Compliance Inspection	<p>On May 3, 2017, an inspector noted that:</p> <ul style="list-style-type: none"> • The treatment system did not have disinfection or a mechanism to monitor flow • The mixed liquor in the aeration tank was light in color with white foam on the surface of the tank • The ORC Log Book was hard bound, but did not contain pre-numbered pages. <p>The inspector recommended the ORC Log Book contain pre-numbered pages.</p>	Summit
	Gas station	Compliance Inspection	<p>On May 24, 2017, an inspector noted that:</p> <ul style="list-style-type: none"> • The southern and eastern edges of the property had bare patches of soil • Grass coverage was sufficient in some areas, but minimal in others • Sediment could be seen entering storm sewer inlet located at the southeast corner of the property 	Wyandot
	Grocery store	Compliance Inspection	<p>On June 7, 2017, an inspector noted that:</p> <ul style="list-style-type: none"> • There was no a copy of the SWPPP available to view There were barren areas of ground at the site that appeared to be inactive and contain trace amounts of concrete washout around the site. <p>The inspector recommended the retailer submit a copy of the SWPPP.</p>	Fairfield
	Motor vehicle dealer	Compliance Inspection	<p>On March 24, 2017, an inspector noted that:</p> <ul style="list-style-type: none"> • Construction activities appeared to have terminated at the site • A discharge from the parking lot's subbase was occurring within the site's stormwater basin. • There was staining around the site's storm sewer inlets 	Ashtabula
	Motor vehicle dealer	Compliance Inspection	<p>On June 7, 2017, an inspector noted that:</p> <ul style="list-style-type: none"> • There were multiple areas of silt fence around the perimeter of the site that appeared to be in need of maintenance • Sections of the site appeared to be missing silt fence • Filter bags located over stormwater inlets appeared to be covered in sediment and in need of maintenance • There was a significant amount of sediment that was tracked off construction areas and into public roadways • The concrete washout pit (CWOP) was not an adequate control • An updated version of the SWPPP was not available for the inspector to view • There was turbid discharges from the site to a nearby waterway 	Fairfield
	Variety store	Compliance Inspection	<p>On May 31, 2017, an inspector noted that:</p> <ul style="list-style-type: none"> • Construction at the site had been completed, but that the Notice of Termination had not been submitted 	Ashland



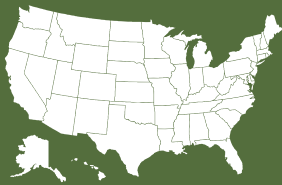
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Stormwater	Variety store	Compliance Inspection	On March 21, 2017, an inspector noted that: <ul style="list-style-type: none"> • Construction activities appeared to have completed • Final stabilization appeared to have been achieved 	Ashtabula
	Variety store	Compliance Inspection	On June 21, 2017, after soil testing, an inspector noted that: <ul style="list-style-type: none"> • A Permit-to-Install (PTI) application needed to be submitted for the design of the sanitary septic system for the retail store 	Ashtabula
	Variety store	Compliance Inspection	On February 14, 2017, an inspector noted that: <ul style="list-style-type: none"> • Part of the site appeared to be at final grade • The rock outlet protection did not appear to be adequate • No stabilization or sediment controls were installedThe silt fence was absent or not standing any longer • The concrete wash-out pit on site was full 	Franklin
	Variety store	Compliance Inspection	On June 20, 2017, an inspector noted that: <ul style="list-style-type: none"> • The silt fence on the west side needed repairs • A concrete washout pit was in place, but concrete was left on the soil adjacent to the pit 	Fulton
	Variety store	Compliance Inspection	On June 15, 2017, an inspector noted that: <ul style="list-style-type: none"> • Construction at the site had been completed and recommended that a Notice of Termination be submitted 	Medina
	Variety store ²	Compliance Inspection	On March 21, 2017, an inspector noted that: <ul style="list-style-type: none"> • There were barren areas that were idle or near final grade around the site and sediment basin • The silt fence around the perimeter of the site needed to be maintained • There was no concrete wash-out pit at the site <p>The inspector recommended that a concrete wash-out pit be installed, that stabilization of disturbed areas be provided, and that a copy of the SWPPP be submitted.</p>	Pickaway
Wastewater. An inspection for surface water permits to install was conducted at a gas station.				
Wastewater	Gas station	Compliance Inspection	On May 3, 2017, an inspector noted that: <ul style="list-style-type: none"> • The treatment system did not have disinfection or a mechanism to monitor flow • The mixed liquor in the aeration tank was light in color with white foam on the surface of the tank • The ORC Log Book was hard bound, but did not contain pre-numbered pages <p>The inspector recommended the ORC Log Book contain pre-numbered pages.</p>	Summit



GLOSSARY

Director's Final Findings and Orders — a document that is a formal enforcement response that typically includes a civil penalty. The document is issued when an Ohio EPA program's enforcement staff determines that a regulated entity's noncompliance requires such a response.

Final Warning — a document that may be used, if appropriate, following a compliance conference when the entity needs to be placed on notice that the Ohio EPA is on the verge of going to the next stage in the enforcement process, which could include a recommendation to the Director that enforceable orders including a financial penalty and/or a referral to the Ohio Attorney General be pursued.

Compliance Inspection — an assessment of the entity completed by Ohio Environmental Protection Agency (Ohio EPA) agents to ensure the safety of the facilities handling dangerous waste, including identification of potential risks and the likelihood of it becoming a violation.

Notice of Violation (NOV) — a document used to inform an entity that violations of statutes, rules, orders or permits have occurred. It includes the violations at the facility, a reference to a possible civil penalty, a description of the steps entity should take to return the facility to compliance in a timely manner, or a request for a compliance plan and schedule to be submitted in a timely manner.

Retail — stores that sell goods or services to customers, typically in small quantities, for consumption or use. Retail stores can include: automotive parts and new/used tire sales, convenience stores, gas stations, distribution centers, dry cleaners, pharmacies, rental stores, sports/hunting goods stores, and variety stores.

Documents concerning state enforcement actions on retail entities are obtained by contacting the state's environmental regulatory agency directly by email and by phone, submitting Freedom of Information Act (FOIA) requests, or using online document databases. The search is refined using retail-specific criteria, such as titles and address locations of the entities, Standard Industrial Classification (SIC), or North American Industry Classification System (NAICS) codes and descriptions. Enforcement actions involving non-retailers are excluded from the data analysis and summaries.

Retail-specific state enforcement documents and data are analyzed to determine trends including: the most frequent violations, what the most common media types violations are (such as air, petroleum contamination, waste, or water), and where the retailers who were issued enforcement actions are located. Data is collected and trends are analyzed on a biannual basis.

Note that some retailers received more than one enforcement action across one or more enforcement areas.