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OHIO E.P.A.
N.W.D.O.

April 16, 2012

Steve Klosterman
Klosterman Development Corp.
4696 U.S. Route 127
Celina, Ohio 45822

Dear Mr. Klosterman:

Re: Notice of Violation – Klosterman Development, Mercer County

On April 4, 2012, Patricia Tebbe and Michelle Sharp, Northwest District Office/Division of Surface Water staff, conducted an inspection of your facility at 4696 U.S. Route 127, Celina. The purpose of the inspection was to determine compliance of your wastewater treatment system with Ohio EPA permitting requirements and to determine compliance with the National Pollutant Discharge Elimination System Permit Construction General Permit (CGP) 2GC02021*AG that you hold for storm water discharges associated with construction activity at this facility.

Notice of violation letters were issued to you on January 11, 2011 and August 15, 2011, informing you that your current holding tank is not acceptable wastewater treatment and a connection must be made to the sanitary sewer per Ohio Administrative Code (OAC) Rule 3745-42-11. My staff was informed by your engineer, Eric Thomas, that he was currently working on a permit to install (PTI) for the connection to the sanitary sewer and it would be submitted around mid-April. To correct this violation, this PTI must be submitted to our Northwest District office by May 30, 2012. If you have any questions regarding the wastewater treatment inspection, please contact Michelle Sharp at (419) 373-3019.

Your Storm Water Pollution Prevention Plan (SWP3), developed under the CGP, shows staging piles, a processing area and a maintenance area to the south of the buildings on your property. The SWP3 also shows a vegetative berm around the staging piles, the processing area and the maintenance areas. The inspection revealed that you are not following your SWP3, which is a violation of Part III.A of the CGP. No later than May 30, 2012, you must move all of your materials, including the lime sludge on your site, to the staging areas and install a vegetative berm around the processing, maintenance and staging areas of your facility. You must also grade and seed the area from your office building to your entrance drive and no longer use this area for storage of raw materials. If you have any questions regarding the storm water inspection, please contact Patricia Tebbe at (419) 373-3016.

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During the inspection on April 4, 2012, my staff observed evidence of household trash containing plastics, construction and demolition debris discarded on your property. The Mercer County Health Department was informed of the solid waste issues. In addition, the inspectors observed that some of this waste was burned for disposal purposes. This occurred within 1,000 feet of adjacent inhabited structures and was located in an unrestricted area. Based on these findings, there is sufficient evidence to determine that illegal open burning did occur. This is a violation of both OAC rule 3745-19-04(A) and Ohio Revised Code 3704.05. Since the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance. Information on open burning can be found at <http://www.epa.ohio.gov/dapc/general/openburning.aspx>. If you have any questions regarding the open burning rules please contact Thomas Cikotte, Northwest District Office/Division of Air Pollution Control, at (419) 373-3137. Guidance on the open burning rules can be found at <http://epa.ohio.gov/portals/47/facts/openburn.pdf>.

Please submit a written response to this letter within 10 days which outlines how you will correct the violations cited. This correspondence should be sent to Patricia Tebbe, Ohio EPA Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402. A follow up inspection will be conducted to verify compliance with these requirements.

Sincerely,



Scott J. Wally
Director

cc: Mercer County Health Department, 220 W. Livingston Street, Celina, Ohio 45822
Tom Cikote, Northwest District Office/DAPC
Elizabeth Wick, Northwest District Office/DSW
Patricia Tebbe, Northwest District Office/DSW
Michelle Sharp, Northwest District Office/DSW