



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049  
Columbus, OH 43216-1049

Progressive Foam Technologies, Inc.

12/24/2008

December 24, 2008



Patrick Culpepper, CEO  
Progressive Foam Technologies, Inc.  
6753 Chestnut Ridge Road  
Beach City, Ohio 44608

CERTIFIED MAIL

91 7108 2133 3931 0972 6517

**RE: Notice of Violation**

Dear Mr. Culpepper:

This letter is to inform you that Progressive Foam Technologies, Inc. is in violation of Ohio Administrative Code (OAC) Rule 3745-34-13(A)(3) which states that no person shall inject industrial wastes or other wastes, into or above an underground source of drinking water (USDW) without first obtaining an Underground Injection Control (UIC) permit to drill, where applicable, and a permit to operate under 3745-34-16 of the OAC. **The discharge of process water to a dry well (Class V injection well) must cease immediately.**

On May 15, 2006, The UIC Unit received a letter signed by Mr. Scott Foreman stating that process waters consisting of steam condensate, contact cooling water and water from accumulator tanks was currently discharged to a dry well but that Progressive Foam was committed to eliminating the discharge of process water to the dry well no later than June 30, 2006.

On December 19, 2008 I contacted Stacy Wahl to ask if Progressive Foam had eliminated the discharge of process waste water to the dry well and she confirmed that process waters are still being discharged to the dry well.

Progressive Foam must submit within fifteen days of receipt of this letter, a complete analysis of the process water to determine compliance with OAC Rule 3745-34-07 which states that *no owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into an underground source of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under Chapter 3745-81 of the OAC or may otherwise adversely affect the health of persons.*

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director



For Office Use Only  
PTO Application No. \_\_\_\_\_  
FEE \_\_\_\_\_

INSTRUCTIONS AND PROCEDURAL INFORMATION  
FOR FILING AN APPLICATION FOR A  
UIC PERMIT TO OPERATE  
CLASS V - INJECTION WELL

- I. No person shall inject sewage, industrial wastes or other wastes, as defined in rule 3745-34-01 of the Ohio Administrative Code (OAC), into or above an underground source of drinking water (USDW) as defined in OAC rule 3734-34-01 without first obtaining a UIC permit to drill, where applicable, and permit to operate under OAC rule 3745-34-16 from the Director of Ohio EPA.
- II. No person shall inject sewage, industrial wastes or other wastes as defined in OAC rule 3745-34-01 into or above an USDW through an existing well not previously used for that purpose and for which no UIC permit to drill would be required without first obtaining a permit to install in accordance with sections 6111.44 and 6111.45 of the Ohio Revised code, applicable rules of the OAC, and a UIC permit to operate under OAC rule 3745-34-16.
- III. The applicant shall submit: (a) an original permit application plus four copies; and (b) proof of financial liability and mechanical integrity; and a check in the amount of \$2,000.00 made payable to "Treasurer, State of Ohio". All submittals are to be sent to:

Ohio EPA  
Division of Drinking and Ground Waters  
Underground Injection Control Section  
50 West Town Street, Suite 700  
Columbus, Ohio 43215

Telephone inquiries: (614) 644-2752

The main office of the Ohio EPA is located at the Lazarus Government Center, 50 West Town Street, Columbus, Ohio, 43215.

- IV. Signature on application: Please refer to Rule 3745-34-17 of the Ohio Administrative Code.
- V. **An application will not be processed until all information required to properly consider the application has been received.** If an applicant fails to submit additionally requested information in a timely manner, the application may be returned.

**Please Note:** Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted for a period of at least 3 years from the date the application is signed. Please refer to Rule 3745-34-16(F) of the Ohio Administrative Code.

- VI. The Permit to Drill application will be reviewed by the Ohio Department of Natural Resources, Division of Mineral Resources, Division of Water, and the Division of Geological Survey.
- VII. The applicant will be notified in writing of the decision of the Director of the Ohio EPA.

DIVISION OF DRINKING AND GROUND WATERS  
 UNDERGROUND INJECTION CONTROL PROGRAM  
 CLASS V INJECTION WELL  
APPLICATION FOR PERMIT TO OPERATE

APPENDIX

N.B. Please provide the information requested on this Appendix or on separate sheets of paper as indicated.

1. Well No. \_\_\_\_\_ Max. Well Depth \_\_\_\_\_  
Min. Well Depth \_\_\_\_\_ Ave. Elevation of Well \_\_\_\_\_ (GL) \_\_\_\_\_

2. Max. Inj. Rate (GPM) \_\_\_\_\_ Avg. Inj. Rate (GPM) \_\_\_\_\_ Max. Surf. Injection Pressure (PSIG) \_\_\_\_\_

3. Name and Depth of Injection Zone \_\_\_\_\_ KB to Ground Level \_\_\_\_\_

- 4. Provide a brief description of the nature of your firm's business.
- 5. Provide a description of the nature and type of the Class V well.
- 6. Describe activities conducted by the applicant which require that permits be obtained under the following environmental programs as applicable:
  - a) Resource Conservation & Recovery Act (RCRA);
  - b) Underground Injection Control Program (UIC);
  - c) The National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act, and Chapter 6111. of the Ohio Revised Code;\* and
  - d) The Prevention of Significant Deterioration Program (PSD) under the Clean Air Act and Chapter 3704. of the Ohio Revised Code.

\*Please Note: If liquid or semi-liquid wastes are discharged to a POTW, provide the POTW NPDES permit number.

- 7. Provide a listing of all permits or construction approvals received or applied for under any of the following programs:
  - a) Hazardous Waste Management Program under RCRA and Chapter 3734. of the Ohio Revised Code;
  - b) UIC Program under the Safe Drinking Water Act (SDWA) and Chapter 6111. of the Ohio Revised Code;
  - c) NPDES Program under the Clean Water Act (CWA) and Chapter 6111. of the Ohio Revised Code;
  - d) The Prevention of Significant Deterioration Program (PSD) under the Clean Air Act and Chapter 3704. of the Ohio Revised Code;
  - e) Nonattainment Program under the Clean Air Act and Chapter 3704. of the Ohio Revised Code;
  - f) National Emission Standards of Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act of Chapter 32704. of the Ohio Revised Code;
  - g) Ocean Dumping Permits under the marine Protection Research and Sanctuaries Act;
  - h) Dredge and Fill Permits under Section 404 of the CWA and Chapter 3745-32 of the Ohio Administrative Code; and
  - i) Other relevant environmental permits, including state permits.

20. Provide a map showing the injection well(s) for which a permit is sought and the applicable area of review. The area of review shall be one-quarter mile beyond the injection well(s). Within the area of review, the map must show the number or name, and location of:
- a) all producing oil and natural gas wells;
  - b) injection wells;
  - c) abandoned wells;
  - d) dry holes;
  - e) surface bodies of water;
  - f) springs;
  - g) mines (surface and subsurface);
  - h) quarries;
  - i) water supply wells;
  - j) other pertinent surface features including residences and roads; and
  - k) faults, if known or suspected.
21. Provide maps and cross sections indicating the general vertical and lateral limits of all underground sources of drinking water within the area of review, their position relative to the injection formation and the direction of water movement where known, in each underground source of drinking water which may be affected by the proposed injection.

\_\_\_\_\_  
Prepared by

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Date