



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.state.oh.us

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

Re: **Notice of Violation**  
Hardin County  
Durez Corporation  
NPDES Permit

August 5, 2009

Mr. William H. Bazell, Plant Manager  
Durez Corporation - Kenton Facility  
13717 US Highway 68 South  
Kenton, Ohio 43326

Dear Mr. Bazell:

On July 29, 2009, Ohio EPA's Central Office field staff discovered a fish kill and black colored water in Taylor Creek downstream of the Durez Corporation outfall. The incident was reported to our Division of Emergency and Remedial Response (DERR) for investigation. The investigation revealed black colored material on the stream bottom and whitish gray scum on the water surface coming from your outfall at Taylor Creek. The water was clear upstream of the outfall. Ohio Department of Natural Resources (ODNR) measured dissolved oxygen levels of 5.0 mg/l upstream of your outfall; 3.0 mg/l at your discharge and 2.0 mg/l downstream in the mixing zone. DERR issued a Notice of Violation (NOV) and requested that you investigate and stop the discharge of the black particulate and water containing low dissolved oxygen from your outfall.

On July 30, 2009, we conducted a follow-up inspection. We observed similar black colored material on the stream bottom and whitish gray scum on the water surface coming from your outfall at Taylor Creek. **This discharge is a violation of Ohio Revised Code Sections 6111.04 and 6111.07. The discharge is also a violation of your NPDES permit and Ohio Administrative Code Section 3745-1-04.**

You and your staff indicated that you were unable to identify the cause of the maltreated water in the outfall at Taylor Creek. Your staff stated that they had not discharged any process wastewater since July 24, 2009, only non-contact cooling water from their heat exchangers was being discharged, and the discharge was clear and meeting NPDES permit limits at the discharge monitoring point (approximately 1/2 mile from Taylor Creek). The water in Taylor Creek was very stagnant, several dead fish were observed downstream of the Durez Outfall, several dead fish, and one live but very distressed fish were also observed in the clear, but stagnant water upstream of the outfall.

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On August 3, 2009, we conducted another follow-up inspection of the discharge from your outfall to Taylor Creek. The discharge from the outfall was clear. However, orange/rust colored residuals were observed on the creek bottom coming from your outfall. In our conversation on August 4, 2009, you stated that the orange colored water at the discharge point at Taylor Creek was probably non-contact cooling water rust. You indicated that it was a temporary condition based on restarting of the flow of well water that had been shut off from July 30<sup>th</sup> until August 3<sup>rd</sup>. **This discharge is also a violation of Ohio Revised Code Sections 6111.04 and 6111.07, your NPDES permit and Ohio Administrative Code Section 3745-1-04.**

Please inform this office in writing within 14 days as to the reasons for the referenced violations, as well as a description of the actions taken or proposed to prevent any further violations. Your response should include the dates, either actual or proposed, for completion of the actions.

Please be advised that failure to comply with the effluent limitations and/or monitoring requirements, including adequate laboratory controls, appropriate quality assurance procedures, and records retention, as specified in your Part III-General conditions of your NPDES permit may be cause for enforcement action pursuant to Ohio Revised Code, Chapter 6111. If these violations continue to occur and if satisfactory progress is not made, it may be necessary to initiate enforcement action to achieve compliance.

If you have any questions, please contact me at 419-373-3008.

Sincerely,



Thomas Poffenbarger, P.E.  
District Engineer  
Division of Surface Water

/csl

pc: Mr. Mike Gerber, DERR  
DSW-NWDO File