



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

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

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

December 7, 2009

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

Dear Mr. Bazell:

On November 30, 2009, you and Mr. Dale Miller reported that an equipment malfunction in the Durez Corporation wastewater treatment plant occurred, during a period that the plant was not staffed, between Saturday afternoon and Sunday morning (November 28-29). The equipment malfunction allowed solids from the wastewater treatment system to discharge into Taylor Creek, covering the streambed for approximately 500 feet downstream of the outfall.

This discharge is a violation of Ohio Revised Code Sections 6111.04 and 6111.07. The discharge is also a violation of Part III, Item 2 of your NPDES permit and Ohio Administrative Code Section 3745-1-04.

On December 1, 2009, we conducted an inspection at your facility. A blanket of solids was observed on the bottom of Taylor Creek extending from your outfall approximately 700 feet downstream. Inspection of the wastewater treatment system indicated discharge was being diverted to onsite containment. Mr. Chris Coak indicated that the sand filter had been out of operation since September 2009, allowing the solids to discharge into Taylor Creek. The media in the sand filter was replaced on November 30th. Arrangements were made to replace the media in the activated carbon towers beginning on December 2, 2009. You indicated that the wastewater treatment plant effluent would be diverted to onsite containment until all of the equipment was returned to operation.

Later in the day on December 1, 2009, Mr. Miller informed us that an environmental contractor (Allied Environmental Services) had been hired to remove the solids from Taylor Creek. On December 2, 2009, we visited Taylor Creek and observed the initial stages of the clean-up process.

As discussed during the inspection, Part III of your NPDES permit requires reporting of any spill or discharge which may endanger human health or the environment within thirty (30) minutes of discovery by calling the 24-Hour Emergency Hotline toll-free at (800)282-9378. This discharge was not reported until we instructed you to "call it in" on November 30, 2009. **Any discharge which has a visible affect on Taylor Creek must be reported to our spill hotline within 30 minutes of discovery.**

Mr. William Bazell
December 7, 2009
Page Two

Further, Part III, of your NPDES permit also requires you to report all exceedances of a daily maximum discharge limit via e-mail or telephone within 24 hours of discovery. **These reporting requirements must be implemented immediately.**

Please inform this office in writing within 10 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 me at 419-373-3008.

Sincerely,



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

/lb

pc: ~~DSW\NWDO\Filer~~