



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Danke

August 19, 2013

**Certified Mail**

Mr. Mark Moles, Owner  
Utility Solutions Midwest Division LLC  
14980 Coble Road  
Yorkshire, OH 45388

**RE: Notice of Violation – Utility Solutions Midwest Division, LLC; Drilling Mud Sediment Discharge to the North Fork of the Stillwater River, State Route 118, Ansonia, Ohio**

Dear Mr. Moles:

On Thursday, August 15, 2013, Greg Buthker and Sarah Harvey of Ohio EPA's Division of Surface Water - Quality Group observed the presence of sediment material within and on the north bank of the North Fork of the Stillwater River, immediately downstream of the State Route 118 bridge, in northern Ansonia. Please see Photograph No. 1, attached. As seen in this photograph, the sediment of concern has a distinct grayish color suspected of being driller's mud containing bentonite.

I inspected this location on Friday, August 16, 2013 for the presence of any bentonite or bentonite containing materials downstream of the State Route 118 Bridge over the North Fork of the Stillwater River. During this inspection, a Utility Solutions crew was working on the south bank of the North Fork of the Stillwater River underground facilities for fiber optic services. We walked to the bank of the river to view the material in the River. At the time of my inspection, a deposit resembling mud was present in the river. This mud had a tan to gray color and was deposited to an elevation that was higher than the river water elevation at the time of inspection. Please see Photograph No. 2. As per our discussion, the deposited material shown in the photographs must be removed from this River. This applies to the mixture of driller's mud and drilled soil sediment overlying the utility bore under the north bank of the North Fork of the Stillwater River.

The discharge of driller's mud and drilled soil sediment to the waters of the state is a violation of Ohio Revised Code (ORC) 6111.04. ORC 6111.04 prohibits any person from placing or causing to be placed any sewage, industrial waste or other waste which causes pollution to the waters of the state except where the director has issued a valid and unexpired permit. Violations of the ORC, mentioned, carries maximum civil penalties of up to \$10,000 per day per violation, as well as, maximum criminal penalties of up to one year in jail and/or \$25,000 fine per day per violation.

I request that the material of concern (driller's mud and drilled soil sediment) be removed from the area of the primary depositional area on the North Bank of the North Fork of the Stillwater

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River within 14 days of the receipt of this letter, if not already completed. Also, I request that a letter be sent to the Southwest District Office of the Ohio EPA – Division of Surface Water to my attention upon completion of the removal. You may email this letter to the following address: [glen.vonderembse@epa.ohio.gov](mailto:glen.vonderembse@epa.ohio.gov). If you have any questions and or comments, you may write me at my mentioned email address or call me at (937) 285-6033.

Sincerely,

A handwritten signature in blue ink that reads "Glen Vonderembse PE". The signature is cursive and includes the letters "PE" at the end.

Glen Vonderembse, PE  
Environmental Engineer 2  
Division of Surface Water

GV/kb

Enc. – Photographs No. 1 and No. 2

**Photographs of Drilling Mud Mixture in North Fork of the Stillwater River**



**Photograph 1 – North Bank of the North Fork of the Stillwater River, immediately downstream of the State Route 118 Bridge, Ansonia, Ohio. August 15, 2013.**



**Photograph 2 - North Bank of the North Fork of the Stillwater River, immediately downstream of the State Route 118 Bridge, Ansonia, Ohio. August 16, 2013.**

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Sent To MR. MARK MOLES, OWNER  
 Street, Apt. No., or PO Box No. UTILITY SOLUTIONS MIDWEST DIV  
 14980 COBLE ROAD  
 City, State, ZIP+4 YORKSHIRE, OHIO 45388

PS Form 3800, August 2006

See Reverse for Instructions

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MR. MARK MOLES, OWNER  
 UTILITY SOLUTIONS MIDWEST DIV  
 14980 COBLE ROAD  
 YORKSHIRE, OHIO 45388

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PS Form 3811, February 2004

Domestic Return Receipt

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 *Melissa Moles*  Addressee

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