

**Environmental  
Protection Agency**

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



March 25, 2011

Jay Heitz  
Gayston Corporation  
200 South Pioneer Blvd.  
Springboro, Ohio 45066

Re: Gayston Corp 55 Janney Road, Dayton, Ohio – NOTICE OF VIOLATION

Dear Mr. Heitz:

Ohio EPA's Underground Injection Control (UIC) Unit has completed its review of the December 2010, January 2011, and February 2011 UIC monthly operating reports all submitted on March 8<sup>th</sup> and received March 11<sup>th</sup> 2011. The operation of Gayston's UIC wells is currently authorized under Ohio Administrative Code (OAC) Rule 3745-34-11(G). However, Ohio EPA has determined that Gayston Corporation is in violation of the monthly reporting requirements pursuant to OAC Rule 3745-34-11(G)(3) as Gayston has not provided Ohio EPA with monthly information. In addition, Gayston is only reporting a total amount of fluid injected for the project, where the aforementioned rule requires reporting on a per well basis.

Based on the initial work plan provided in December of 1997 and August of 1998, Gayston would be operating 2 injection trenches that would receive treated ground water from an offsite interceptor well per an Ohio EPA consent order. In addition, several air sparge and ozone sparge wells would be installed. The injection of air and ozone into a Class V well meets the definition of a fluid as OAC Rule 3745-34-01 (AA) states: "Fluid" means material or substance which that flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state. Therefore, if these sparge wells are in fact operational, each well must be accounted for in the monthly UIC reports.

And in order to ensure all Class V wells are accounted for, and in accordance with OAC Rule 3745-34-11(M) Ohio EPA requests that Gayston Corporation complete a Class V Inventory Form (see attached) for each injection well it owns. The form(s) may be completed and submitted with the next monthly operating report. Assuming all the

required information in provided, Gayston Corporation will be returned to compliance at that time. Failure to do so may nullify Gayston's authorization to operate Class V UIC wells without a permit to operate per OAC Rule 3745-34-11(K). Should this occur, Gayston Corporation would not be authorized to inject unless it applied for and received a UIC permit to operate.

If you have any questions, please contact Jess Stottsberry of my staff at (614) 644-2752 or via email at [jess.stottsberry@epa.state.oh.us](mailto:jess.stottsberry@epa.state.oh.us) .

Sincerely,



Lindsay C. Taliaferro III  
UIC Program Manager  
Division of Drinking and Ground Waters

cc: Michael Eggert, Assistant Chief, DDAGW  
Mike Proffitt, Ground Water Supervisor, SWDO  
Chuck Mellon, DERR, SWDO