



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

**CERTIFIED 91 7108 2133 3932 1838 6817**

December 12, 2012

Thomas A. Kurtz  
2850 Rohr Road  
Groveport, Ohio 43125

**Re: Industrial Storm Water Inspection at Alexandria Facility  
Second Notice of Violation**

Dear Mr. Kurtz:

This letter is written in follow-up to an industrial storm water inspection I conducted at your operations located in Alexandria, Ohio (N40.08808, W82.62041) on November 29, 2012. **This letter also serves as a formal Notice of Violation for unpermitted activities required by 40 CFR 122.26 and OAC 3745-39 and an illicit discharge from the gravel washing operations into waters of the state.** The purpose of the inspection was to evaluate operations, assess permitting requirements, and evaluate storm water management controls. The following items were noted:

**Storm Water Permitting Requirements:**

- During my site visit, I noted activities such as industrial mineral mining, composting operations, and recycling activities, all requiring storm water permit authorization pursuant to 40 CFR 122.26 and OAC 3745-39. In addition, the site must seek authorization under an individual National Pollutant Discharge Elimination System (NPDES) permit for discharges associated with aggregate processing or demonstrate an approvable alternative. During the inspection, I noted a discharge from the gravel washing operations directly into an unnamed tributary of Raccoon Creek. I spoke with a site representative "Dave" who indicated he would take measure to eliminate the discharge within 24 hours.

**401/404 Permitting Requirements:**

- At the time of my inspection, I found several road crossing and fill placement areas within Raccoon Creek and the associated tributaries. In addition, there was an apparent wetland fill located on the site. Please be able to demonstrate the appropriate permits were obtained for the fill activities in waters of the state (SEE Attached PHOTO FIGURES). **This was brought to your attention concurrent with my last site visit on March 23, 2012.** Please provide any update with respect to this request.

**Storm Water Management Controls:**

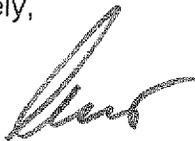
- I noted the installation of two impoundments as requested during my last onsite inspection.
- In addition, I noted the installation of perimeter berms through out the site for additional storm water management.
- I remain concern these berms only serves as a diversion and not adequate containment specifically adjacent to the scale house and the composting areas associated with this facility.

**Formal Meeting Request:**

- Ohio EPA, Division of Surface Water is formally requesting an onsite meeting to fully evaluate this site to assess permitting options and storm water management control. ***In addition, the agency is requesting your presence at during a follow up inspection at this site. Please contact me upon receipt of this letter to schedule an inspection***

If you have any questions regarding this letter or the inspection, please do not hesitate to call me at our Central District Office at (614) 728-3844. In addition, please provide a written response to this letter within seven days for receipt.

Sincerely,



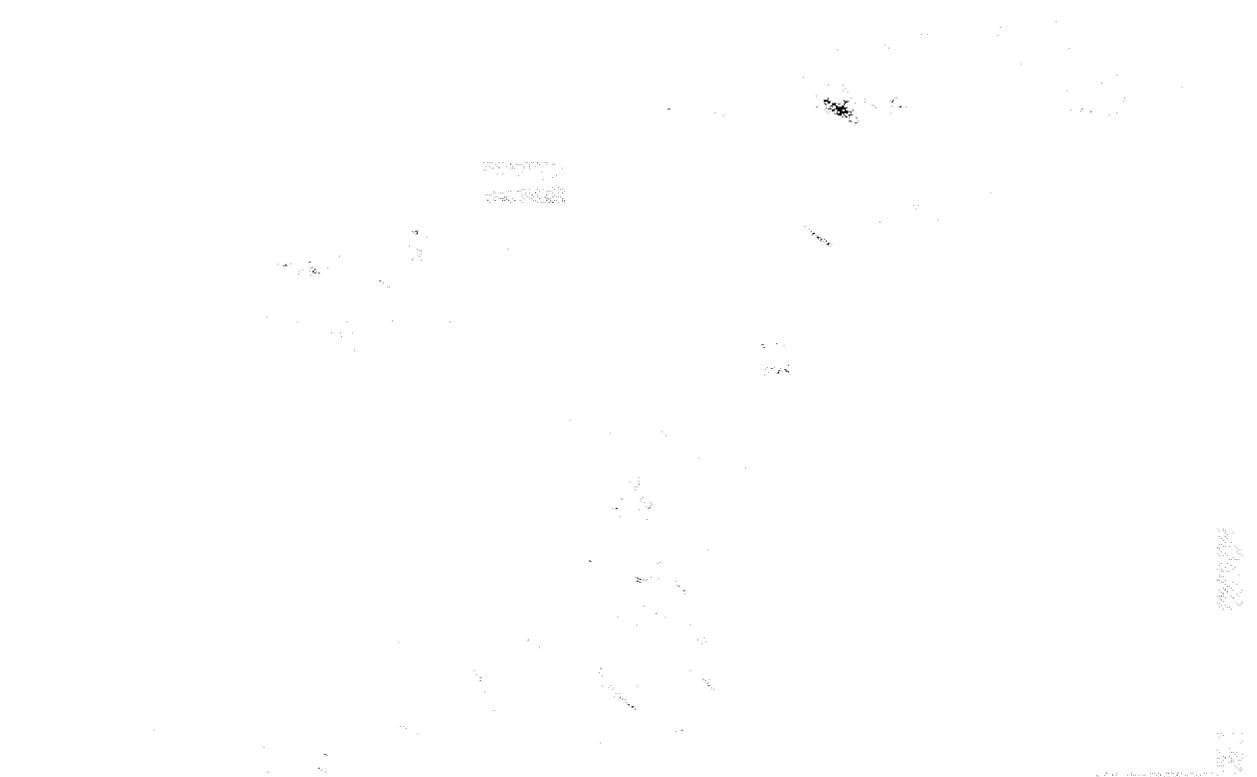
Harry Kallipolitis  
Storm Water Coordinator  
Division of Surface Water  
Central District Office

Enclosure

c: Phil Farnlacher  
Paul Vandermeer  
Jason C. Kurtz  
Jerry Bennett, Kurtz Brothers Central Ohio LLC



**Figure 1: Fill Area- North West of Raymond Creek**



**Figure 2: Additional Fill Areas**



**Figure 3: Apparent Un-authorized crossing of Raccoon Creek**