Ohio EPA
40 years and moving forward

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

August 29, 2013

Re: Pike County
Southern Ohio Sand
Industrial Storm Water
Notice of Violation
Construction Permit 0GC01515*AG

Mr. Ron Vaughn
P.O. Box 748
Willoughby, Ohio 44096
Certified: 70102780000197079413

Mr. John Paglio
P.O. Box 748
Willoughby, Ohio 44096
Certified: 70102780000197079420

Mr. David Zappa
Zappa Engineering LLC
1255 N. Hamilton Road, #122
Gahanna, Ohio 43230

Mr. Frank DeMilta
P.O. Box 748
Willoughby, Ohio 44096

Gentlemen:

On July 9, 2013, I inspected the Southern Ohio Sand facility in Pike County. John Paglio was present and assisted me during the inspection. The purpose of my visit was to determine if your facility was in compliance with the Ohio Water Pollution Control Act, Revised Code Chapter 6111. I have the following comments:

Construction Storm Water Permit #0GC01515*AG related Violations:

1. Stabilization

TABLE 1: PERMANENT STABILIZATION

Area requiring permanent stabilization	Time frame to apply erosion controls
Any areas that will lie dormant for one year or more	Within seven days of the most recent disturbance
Any areas within 50 feet of a surface water of the State and at final grade	Within two days of reaching final grade
Any other areas at final grade	Within seven days of reaching final grade within that area

TABLE 2 – TEMPORARY STABILIZATION

Area requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed areas within 50 feet of a surface water of the State and not at final grade	Within two days of the most recent disturbance if the area will remain idle for more than 21 days
For all construction activities, any disturbed areas that will be dormant for more than 21 days but less than one year, and not within 50 feet of a surface water of the State	Within seven days of the most recent disturbance within the area For residential subdivisions, disturbed areas must be stabilized at least seven days prior to transfer of permit coverage for the individual lot(s).
Disturbed areas that will be idle over winter	Prior to the onset of winter weather

Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.

Some areas around the facility do not meet the above requirements. Assess all disturbed areas and stabilize areas that do not meet the above requirement immediately. I have attached a map showing disturbed areas that may or may not have been disturbed by your company. Please delineate which areas are active mining areas, processing areas, storage areas, historical mining areas that your company has not disturbed, and any other areas that have been disturbed by your company.

2. Part III.G.2.b.ii of the permit states Operators shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding (as defined in the current edition of the Rainwater and Land Development manual), mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques or rock check dams.

   Many eroded channels exist at the facility. These channels must be stabilized per the above requirements. Assess all areas and stabilize areas that do not meet the above requirement immediately.

3. Part III.G.2.d.iii of the permit states sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties and water resources from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour downslope of the disturbed area. This permit does not preclude the use of other sediment barriers designed to control sheet flow runoff.

   Install silt fence or filtering sand berms as needed per the requirement above. Sand laden water must not be allowed to migrate to waters of the state from your facility.

4. Part III.G.2.i. of the permit states at a minimum, procedures in an SWP3 shall provide that all controls on the site are inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The inspection frequency may be reduced to at least once every

month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., site is covered with snow, ice, or the ground is frozen). A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if all of the following conditions are met: The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month); land disturbance activities have been suspended; and the beginning and ending dates of the waiver period are documented in the SWP3. Once a definable area has been finally stabilized, you may mark this on your SWP3 and no further inspection requirements apply to that portion of the site. The permittee shall assign "qualified inspection personnel" to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate and properly implemented in accordance with the schedule proposed in Part III.G.1.g of this permit or whether additional control measures are required.

Following each inspection, a checklist must be completed and signed by the qualified inspection personnel representative. At a minimum, the inspection report must include:

i. the inspection date;
ii. names, titles, and qualifications of personnel making the inspection;
iii. weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
iv. weather information and a description of any discharges occurring at the time of the inspection;
iv. location(s) of discharges of sediment or other pollutants from the site;
v. location(s) of BMPs that need to be maintained;
vi. location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
vii. location(s) where additional BMPs are needed that did not exist at the time of inspection; and
viii. corrective action required including any changes to the SWP3 necessary and implementation dates.

Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for pollutants entering the drainage system. Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that those are operating correctly. Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking. The permittee shall maintain for three years following the submittal of a notice of termination form, a record summarizing the results of the inspection, names(s) and qualifications of personnel making the inspection, the date(s) of the

inspection, major observations relating to the implementation of the SWP3 and a certification as to whether the facility is in compliance with the SWP3 and the permit and identify any incidents of non-compliance. The record and certification shall be signed in accordance with Part V.G. of this permit.

Submit inspection sheets from the last three months.

Individual NPDES permit related violations:

During the inspection it appeared that treatment ponds associated with process flows and storm water flows are inadequate or virtually nonexistent. Ponds and storm water sumps around the facility are being filled in with sand and not providing the intended treatment. **These ponds and storm water sumps must be cleaned out immediately**. This is a violation of your permit requirements and ORC 6111. This problem is also reflected in the self-reported sampling data below. You were previously notified of these violations. Copies of the notices are attached.

Reporting Period	Station	Parameter	Limit	Reported Value	Violation Date
September 2012	001	Total Suspended Solids	65	1540.	9/27/2012
September 2012	002	Total Suspended Solids	65	370.	9/27/2012
October 2012	001	Total Suspended Solids	65	1330.	10/31/2012
October 2012	002	Total Suspended Solids	65	1560.	10/31/2012
November 2012	002	Total Suspended Solids	65	260.	11/28/2012
December 2012	001	Total Suspended Solids	65	1730.	12/20/2012
December 2012	002	Total Suspended Solids	65	1880.	12/20/2012
January 2013	001	Total Suspended Solids	65	302.	1/30/2013
January 2013	002	Total Suspended Solids	65	10600.	1/30/2013
March 2013	001	Total Suspended Solids	65	1430.	3/28/2013
March 2013	002	Total Suspended Solids	65	1220.	3/28/2013
May 2013	001	Total Suspended Solids	65	1340.	5/29/2013
May 2013	002	Total Suspended Solids	65	966.	5/29/2013
June 2013	001	Total Suspended Solids	65	1400.	6/20/2013
June 2013	002	Total Suspended Solids	65	893.	6/20/2013

Overall, the site must be stabilized to the point that the gross contamination of waters of the state ceases and you must ensure that you operate the facility within the limits set forth in your NPDES permit. Topsoil may have to be brought in for the stabilization of some areas. I urge you to assess the amount of open "barren sand" throughout your facility and determine how much barren open area you need to operate and stabilize the remaining portions of the site.

Within fourteen (14) days of receipt of this letter, submit to me at this office <u>a written notification</u> as to actions taken or proposed to eliminate violations. Your response should include the dates, either actual or proposed, for the completion of the actions. Be advised that the violations at your site subject you to significant monetary penalties that can be assessed daily as provided by ORC 6111.09.

If you have any questions, please feel free to contact me at (740) 380-5277.

Sincerely,

Jennifer M. Witte for

Aaron Wolfe
Storm Water Coordinator
Division of Surface Water

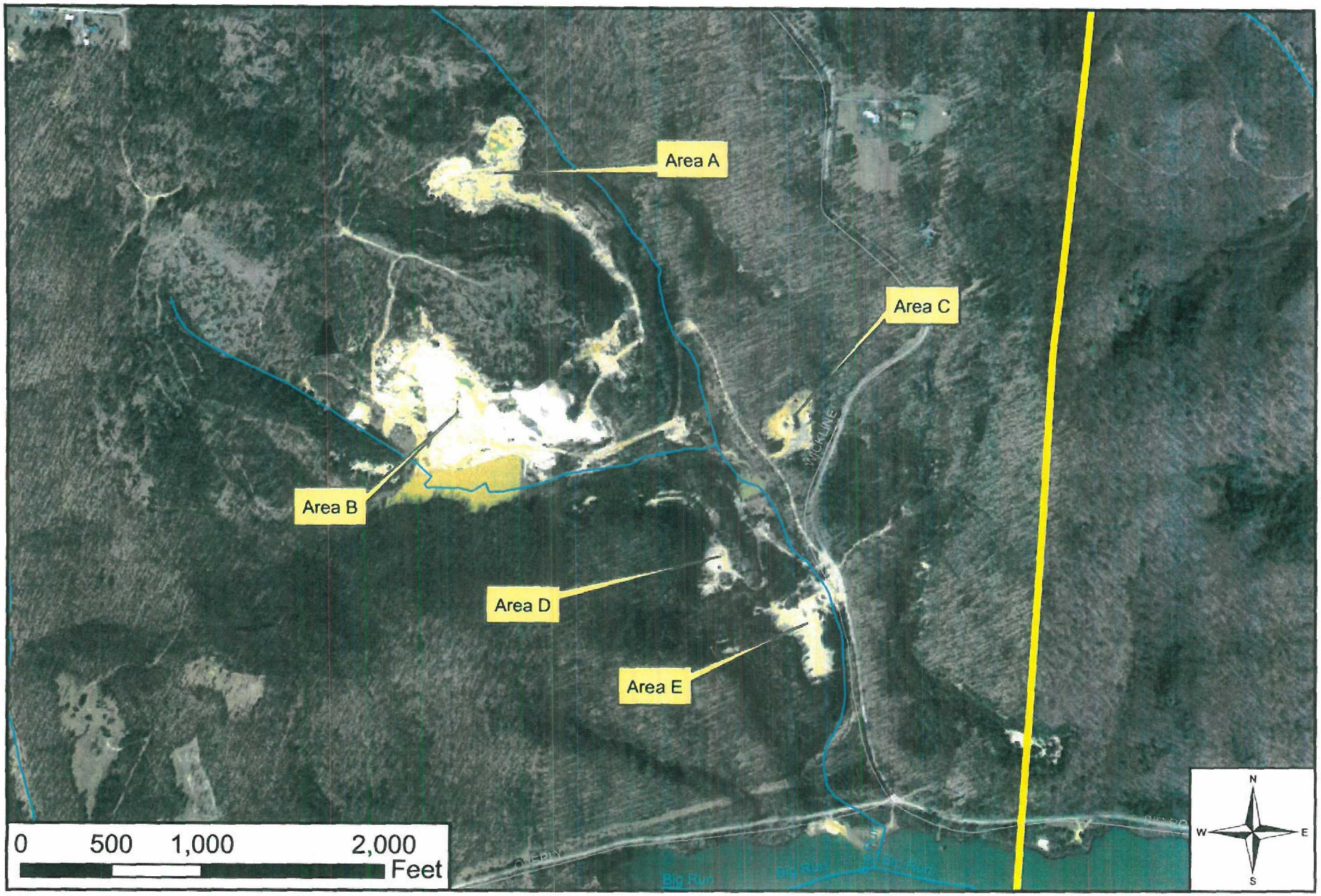
AW/dh

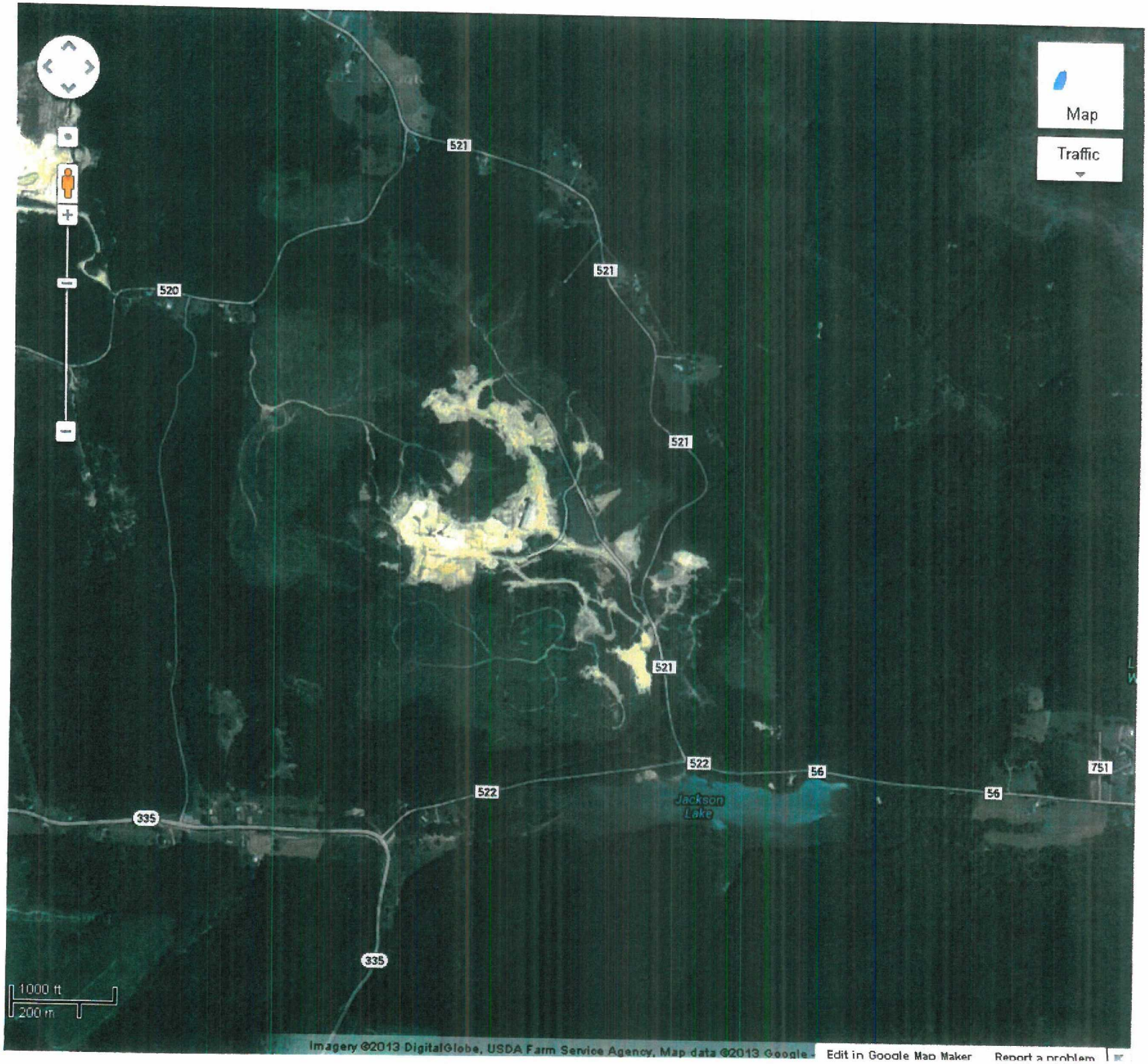
Enclosure

c: Jack Knapp, SEDO, DSW
c: Martha Horvitz, CO, legal
c: Rachel DeMuth, CO, DSW

Ohio Environmental Protection Agency

Southern Ohio Sand
Disturbed Area Delineation
August 2013




Map
Traffic
521
520
521
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522
56
56
751
522
Jackson Lake
335
335
1000 ft
200 m
Imagery ©2013 DigitalGlobe, USDA Farm Service Agency, Map data ©2013 Google
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Report a problem

Ohio EPA
40 years and moving forward

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

February 6, 2013

Re: Pike County
Southern Ohio Sand
Notice of Violation
0IJ00054*AD; OH0140121
Correspondence (IWW)

Mr. John Paglio, Operations Manager
Southern Ohio Sand
P.O. Box 748
Willoughby, Ohio 44094

Dear Mr. Paglio:

We have reviewed your self-monitoring reports covering the months of July through December of 2012 for Southern Ohio Sand. Our review indicates violations of the conditions in your NPDES permit. The specific instances of noncompliance and/or deficiencies are as follows:

Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
001	00530	Total Suspended Solids	1D Conc	65	1540.	9/27/2012
002	00530	Total Suspended Solids	1D Conc	65	370.	9/27/2012
001	00530	Total Suspended Solids	1D Conc	65	1330.	10/31/2012
002	00530	Total Suspended Solids	1D Conc	65	1560.	10/31/2012
002	00530	Total Suspended Solids	1D Conc	65	260.	11/28/2012
001	00530	Total Suspended Solids	1D Conc	65	1730.	12/20/2012
002	00530	Total Suspended Solids	1D Conc	65	1880.	12/20/2012

Please be advised that failure to comply with the effluent limitations or to satisfy the monitoring or reporting requirements of your NPDES permit may be cause for enforcement action pursuant to Ohio Revised Code Chapter 6111.

Please submit within **10** days upon receipt of this letter as to the reasons for the above permit violations and actions being taken to prevent further occurrences. If a response has been sent prior to this letter no further action is required.

If there are any questions, please contact me at (740) 380-5268.

Sincerely,

Jack Knapp
District Representative
Division of Surface Water

JK/dh

Ohio EPA
40 years and moving forward

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

February 28, 2013

Re: Pike County
Southern Ohio Sand LLC
Self-Monitoring Report Violations
Ohio EPA Permit 0IJ00054*AD
Correspondence (IWW)

Southern Ohio Sand LLC
P.O. Box 748
Willoughby, OH 44094

We have received your self-monitoring report covering the month of January 2013 for the referenced facility. Our review indicates violations of the conditions of your NPDES permit. The specific instances of noncompliance and/or deficiencies are as follows:

Station	Type	Date	Reporting Code	Parameter	Limit Type	Permit Limit	Reported Value
001	Limit	1/30/2013	00530	Total Suspended Solids	Daily Conc.	65	302.
002	Limit	1/30/2013	00530	Total Suspended Solids	Daily Conc.	65	10600.

Please be advised that failure to comply with the effluent limitations or to satisfy the monitoring or reporting requirements of your NPDES permit may be cause for enforcement action pursuant to the Ohio Revised Code Chapter 6111.

We have reviewed your report addressing the reasons for the above violations and the actions being taken to prevent further occurrences. Hopefully, these actions will prevent any recurrence so that enforcement action will not be required. No additional information is requested at this time.

The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. For more information about pollution prevention, including fact sheets and

U.S. EPA's Facility Pollution Prevention Guide, (EPA/600/R-92/088), you may contact the Ohio EPA Pollution Prevention Section at (614) 644-3469 or me for additional information.

If there are any questions, please contact this office.

Sincerely,

Jack Knapp
District Representative
Division of Surface Water

JK/dh

Ohio EPA
40 years and moving forward

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

May 17, 2013

Re: Pike County
Southern Ohio Sand LLC
Self-Monitoring Report Violations
Ohio EPA Permit 0IJ00054*AD

Southern Ohio Sand LLC
P.O. Box 748
Willoughby, OH 44094

We have received your self-monitoring report covering the month of March 2013 for the referenced facility. Our review indicates violations of the conditions of your NPDES permit. The specific instances of noncompliance and/or deficiencies are as follows:

Station	Type	Date	Reporting Code	Parameter	Limit Type	Permit Limit	Reported Value
001	Limit	3/28/2013	00530	Total Suspended Solids	Daily Conc.	65	1430.
002	Limit	3/28/2013	00530	Total Suspended Solids	Daily Conc.	65	1220.

Please be advised that failure to comply with the effluent limitations or to satisfy the monitoring or reporting requirements of your NPDES permit may be cause for enforcement action pursuant to the Ohio Revised Code Chapter 6111.

We have reviewed your report addressing the reasons for the above violations and the actions being taken to prevent further occurrences. Hopefully, these actions will prevent any recurrence so that enforcement action will not be required. No additional information is requested at this time.

The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. For more information about pollution prevention, including fact sheets and

U.S. EPA's Facility Pollution Prevention Guide, (EPA/600/R-92/088), you may contact the Ohio EPA Pollution Prevention Section at (614) 644-3469 or me for additional information.

If there are any questions, please contact this office.

Sincerely,

Jack Knapp
District Representative
Division of Surface Water

JK/dh

Ohio EPA
40 years and moving forward

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

August 5, 2013

Re: Pike County
Southern Ohio Sand
Self-Monitoring Report Violations
Ohio EPA Permit 0IJ00054*AD

Southern Ohio Sand LLC
P.O. Box 748
Willoughby, OH 44094

We have received your self-monitoring reports covering the months of May and June 2013 for the referenced facility. Our review indicates violations of the conditions of your NPDES permit. The specific instances of noncompliance and/or deficiencies are as follows:

May 2013:

Station	Type	Date	Reporting Code	Parameter	Limit Type	Permit Limit	Reported Value
001	Limit	5/29/13	00530	Total Suspended Solids	Daily Conc.	65	1340.
002	Limit	5/29/13	00530	Total Suspended Solids	Daily Conc.	65	966.

June 2013:

Station	Type	Date	Reporting Code	Parameter	Limit Type	Permit Limit	Reported Value
001	Limit	6/20/13	00530	Total Suspended Solids	Daily Conc.	65	1400.
002	Limit	6/20/13	00530	Total Suspended Solids	Daily Conc.	65	893.

Please be advised that failure to comply with the effluent limitations or to satisfy the monitoring or reporting requirements of your NPDES permit may be cause for enforcement action pursuant to the Ohio Revised Code Chapter 6111.

We have reviewed your report addressing the reasons for the above violations and the actions being taken to prevent further occurrences. Hopefully, these actions will prevent any recurrence so that enforcement action will not be required. No additional information is requested at this time.

The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. For more information about pollution prevention, including fact sheets and U.S. EPA's Facility Pollution Prevention Guide, (EPA/600/R-92/088), you may contact the Ohio EPA Pollution Prevention Section at (614) 644-3469 or me for additional information.

If there are any questions, please contact this office.

Sincerely,

Jack Knapp
District Representative
Division of Surface Water

JK/dh

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Ron Vaughn
PO Box 748
Willoughby, OH 44096

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
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4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number
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Street, Apt. No.; or PO Box No. PO Box 748
City, State, ZIP+4 Willoughby, OH 44096

PS Form 3800, August 2006 See Reverse for Instructions

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John Paglio
P.O. Box 748
Willoughby, OH 44096

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number
(*Transfer from service label*) 7010 2780 0001 9707 9420

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Restricted Delivery Fee (Endorsement Required)	
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Street, Apt. No.; or PO Box No. P.O. Box 748
City, State, ZIP+4 Willoughby, OH 44096

PS Form 3800, August 2006 See Reverse for Instructions

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