



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

April 21, 2017

Re: **Dovetail Energy, LLC**
Notice of Violation (NOV)
NPDES
Greene County
1IN00305*AD

Mr. Alex Ringler
Dovetail Energy, LLC
1146 Herr Road
Fairborn, OH 45324

Subject: Notice of Violation / Resolution of Violation

Dear Mr. Ringler:

On April 18, 2017, Ohio EPA Division of Surface Water (DSW), received a report that biosolids from Dovetail Energy, LLC were running off of a beneficial use site onto private property located along Herr Road in Bath Township, Greene County. On April 19, 2017, the beneficial use site identified as Ohio EPA Site 29-00463 was inspected by Ohio EPA to determine your facility's compliance with Ohio's environmental laws and regulations as found in Chapter 6111 of the Ohio Revised Code (ORC), Chapter 3745-40 of the Ohio Administrative Code (OAC), and the terms and conditions of NPDES Permit 1IN00305*AD issued on February 26, 2014.

Thank you for the April 20, 2017 response to the violation that was communicated to you during Ohio EPA's April 19, 2017 complaint inspection. The documentation submitted by Dovetail Energy, LLC included a letter and pictures detailing the corrective action that was taken on April 19, 2017 to abate the violation.

Ohio EPA has reviewed the documentation provided and has determined that Dovetail Energy, LLC has now resolved the violation discovered during the April 19, 2017 complaint inspection. The violation and Dovetail Energy's response are summarized below:

Resolution of Violation

1. **Ohio Revised Code (ORC) 6111.07(A)**: No person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense
OAC 3745-40-06(A)(2): An application for an authorization for a beneficial use site shall be valid only for those conditions stated in the specific beneficial use site authorization.

NPDES permit no. 1IN00305*AD, Part II. G: All treatment, storage, transfer, or disposal of sewage sludge and biosolids and the beneficial use of biosolids by the Permittee shall comply with ORC 6111, OAC 3745-40, any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the treatment, storage, transfer, or disposal of sewage sludge and biosolids and the beneficial use of biosolids by the Permittee.

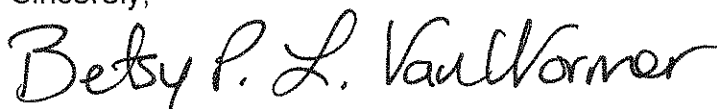
- (a) **Violation Description:** Liquid biosolids were present on the surface of the site in several locations despite the intent to inject the biosolids.
- (b) **Additional Information:** The site authorization issued on September 30, 2015 includes the following special condition: "All biosolids beneficially used at these sites shall be injected beneath the surface of the ground or immediately incorporated into the soil...Biosolids that remain on the surface shall be incorporated within six hours to minimize the potential for runoff."

On April 20, 2017, Ohio EPA received Dovetail Energy's response which included pictures that showed the biosolids had been incorporated into the soil on April 19, 2017. Therefore, this violation has been abated.

Please note that this does not preclude the Director from seeking administrative or civil penalties pursuant to Ohio Revised Code section 6111.07 for the violations noted in this NOV letter. The decision on whether to pursue or decline to pursue such penalties regarding these violations is dependent on several factors, one of which is the company's future compliance with Ohio EPA regulatory requirements.

Should you have any questions, please contact me at (614) 644-2150 or betsy.vanwormer@epa.ohio.gov.

Sincerely,



Betsy P. L. VanWormer, P.E.
Environmental Engineer II
Ohio EPA Division of Surface Water
Central Office

Attachments

ec: Scott Sheerin, DSW, CO
Erin Sherer, DSW, CO
Ned Sarle, DSW, SWDO
Christine Pence, ODA-DLEP
Taylor Faecher, Renergy, Inc.
Gruskie Pumping
Pitstick Pork Farms



Violation #1



Resolution of Violation #1 (submitted by Renegy)



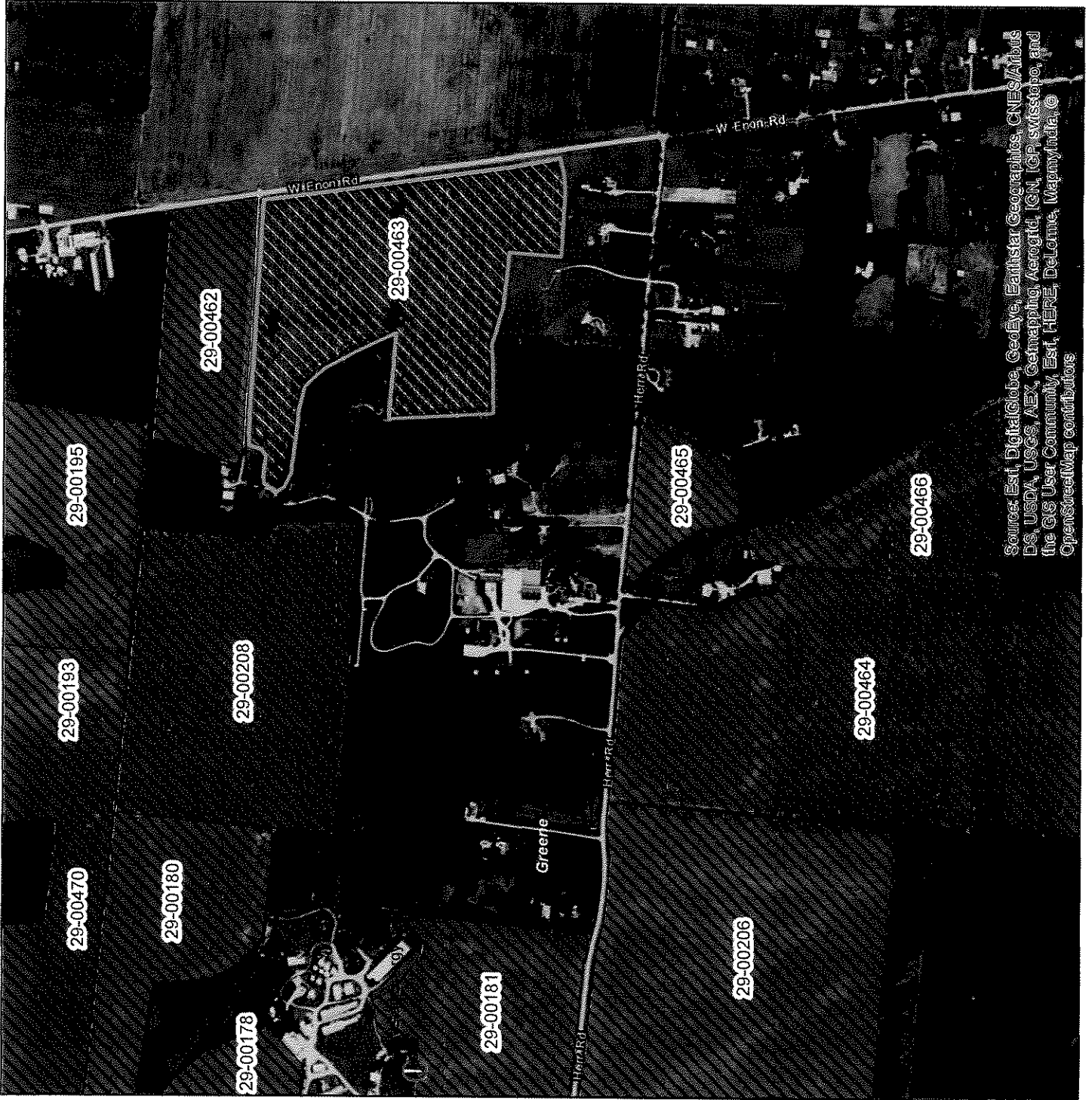
Class B Biosolids
Beneficial Use Site

Dovetail Energy, LLC
NPDES# 1IN00305

Ohio EPA Site Field ID
29-00463 GRQ-09-02



Division of Surface Water
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