

March 28, 2018

NOTICE OF VIOLATION

**CERTIFIED MAIL NO. 7017 2680 0000 2307 8683**

Adam Bradford  
Welded Construction Company  
P.O. Box 470  
26933 Eckel Rd  
Perrysburg, OH 43551

**CERTIFIED MAIL NO. 7017 2680 0000 2307 8690**

Williams Gas Pipeline  
Attn: Lynda Schubring, Level 11  
2800 Post Oak Blvd.  
Houston, Texas 77056

Re: Clean Streams Law Violation  
PF# 825441, Rem. ID# 49382  
ASR Spread 5 Pine Swamp Rd Diesel Fuel Release Cleanup  
Cleveland Township, Columbia County

Dear Mr. Bradford and Ms. Schubring:

This correspondence regards the release notification received by the Department on March 14, 2018, regarding a release of off-road diesel fuel from a street sweeper at the above-referenced property ("Site").

An inspection by the Department on March 23, 2018, revealed that a danger of pollution of the waters of the Commonwealth exists at the site. Approximately 15 gallons of off-road diesel fuel was reportedly lost and contaminated soils of the Commonwealth. This contamination constitutes a creation of a danger of pollution as defined in the Clean Streams Law (CSL). The creation of the danger of pollution of the waters of the Commonwealth constitutes violations of Sections 307, 402, and 611 of the CSL, §§35 P.S. 691.307, 691.402, and 691.611 as follows:

- Section 691.307 of the CSL states, in part, that no person or municipality shall discharge or permit the discharge of industrial wastes in any manner, directly or indirectly, into any of the waters of the Commonwealth, unless such discharge is authorized by the rules and regulations of the Department. Additionally, a discharge of industrial wastes without a permit or contrary to the rules and regulations of the Department is hereby declared to be a nuisance.

- Section 691.402 of the CSL states, in part, that whenever the Department finds that any activity creates a danger of pollution of the waters of the Commonwealth, the Department may establish the conditions under which such activity shall be conducted.
- Section 691.611 of the CSL states that it shall be unlawful to fail to comply with any rule or regulation of the Department, to violate any of the provisions of this act or rules and regulations adopted hereunder, or to cause air or water pollution.

As the responsible party, you have the responsibility under Section 316 to correct any polluting condition at the Site, consistent with the Land Recycling and Environmental Remediation Standards Act (Act 2) and in a manner which is satisfactory to the Department.

You have responsibility under Section 601 of the CSL and Section 1917-A of the Administrative Code to abate any public nuisance at the site, consistent with the Land Recycling and Environmental Remediation Standards Act (Act 2) and in a manner which is satisfactory to the Department.

The Department understands that impacted material had been removed on the day of the incident. During the inspection, AECOM collected two confirmatory soil samples from this area to analyze for the short list of diesel fuel compounds. It was indicated that the material removed had been placed into a rolloff and taken to the staging yard for Welded Construction Company. The impacted material should be removed to an appropriate disposal facility.

The Department requests that you take appropriate steps to identify the full extent of soil contamination and to initiate corrective action. In accordance with the provisions of the CSL, a report providing specific site information to fully address the extent of contamination, corrective actions already taken or underway, and a plan for future action, where needed, should be provided to the Department. The Department anticipates receipt of this information by May 11, 2018.

The Department's Petroleum Spill Guidance is also enclosed. This guidance provides a listing of information which should be included in your cleanup report.

In accordance with the provisions of the CSL, you have the responsibility to continue taking appropriate steps to bring the remediation efforts at this site to closure. If you wish to receive a formal relief of liability for the property, Act 2 is available for you to use in obtaining closure.

At this time, the Department is requesting your voluntary cooperation in resolving the situation at the Pine Swamp Road site. This Notice of Violation is neither an order nor any other final action of the Department of Environmental Protection. It neither imposes a mandatory obligation upon you to act nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

March 28, 2018

If I can be of any assistance or if you have any questions concerning this matter, please do not hesitate to call me at 570.327.3569.

Sincerely,

A handwritten signature in cursive script that reads "Jessica Ritenour".

Jessica Ritenour, P.G.  
Licensed Professional Geologist

Enclosure: Clean Streams Law, Petroleum Spill Guidance

cc: Jeff Kashner, Knoebels  
Cathy Mensch, Cleveland Township  
Cheryl Sinclair, P.G.  
File