



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

December 22, 2010

Mr. Rod Good
Good Rail & Truck Transfer, Inc.
7076 North Main Street
Camden, Ohio 45311

CERTIFIED MAIL

9171082133393715010512

RE: Good Rail & Truck, Inc.
Preble County

Dear Mr. Good:

I have enclosed a certified copy of the journalized, agreed upon Final Findings and Orders. This document is a final action of the Director and will be public noticed as required by Rule 3745-47-07(A) of the Ohio Administrative Code. The effective date of the orders is December 22, 2010.

If you have any questions concerning compliance with these Findings and Orders, please call Bill Fischbein at (614) 644-3037.

Sincerely,

Todd Kelleher
Environmental Supervisor

Enclosure

cc: Michael G. Baker, Chief, DDAGW
Beth Messer, Environmental Manager, DDAGW-CO
Jeff Davidson, Environmental Manager, DDAGW-SWDO
Bill Fischbein, Supervising Attorney, Water Programs
Carol Hester, Chief, PIC
Preble County Health Department

DEC 22 2010

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY



In the matter of:

Good Rail & Truck Transfer, Inc.
7076 North Main Street
Camden, Ohio 45311

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Director's Final Findings
and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Good Rail & Truck Transfer, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03, 6111.044 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and its successors in interest liable under Ohio law.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6111 and the rules promulgated thereunder.

IV. FINDINGS

All of the Findings necessary for the issuance of these Orders have been made by the Director, not the Respondent, and are outlined below. Nothing in these Findings shall be considered to be an admission by Respondent of any fact, violation or liability.

The Director of Ohio EPA has determined the following findings:

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

BY [Signature] Date: 12-22-10

1. Respondent is Good Rail & Truck Transfer, Inc, an Ohio Corporation. Respondent leases property at 7076 North Main Street, Camden, Preble County, Ohio (the "Site").
2. Respondent manages various materials at the Site including telephone poles, seed mixes, steel, food-grade products and two large piles of road de-icing salt. One salt pile is owned by Cargill, Inc. and the other is owned by Central Salt, LLC. Respondent off loads the salt from rail cars, builds the salt piles and then, as requested, loads the salt from the pile into trucks provided by others under contracts with Cargill, Inc. and Central Salt, LLC.
3. The piles are located on pad that consists of 8 inches of compacted #304 stone and 4 inches of asphalt. The piles are estimated to each be 40,000 tons. While the piles are typically covered upon completion of the piles' construction, they are left exposed to precipitation events during construction. Construction typically takes six to ten weeks and generally occurs during the May to August timeframe.
4. The Village of Camden owns and operates a "public water system" (PWS), which is also a "community water system" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01 (PWS ID# 6800112).
5. The Village of Camden's PWS obtains its drinking water through the use of three wells from a "ground water" aquifer source as defined by OAC Rule 3745-81-01 and serves a population of approximately 2,302 persons.
6. Pursuant to ORC Section 6111.01(H) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters.
7. The Site is located in the source water protection zone for the Village of Camden's drinking water wells which are located approximately 3,000 feet south of the Site.
8. Ohio EPA became aware of the road salt storage operations at the Site in July, 2009 via an anonymous complaint to Ohio EPA's Southwest District Office. During a July 21, 2009 inspection, Ohio EPA became aware of subsurface drainage structures located north of the salt storage pad. Respondent represented to Ohio EPA that the subsurface drainage structures were tanks used to evaporate storm water runoff from the salt piles. Respondent said the

evaporation tanks had never overflowed or had fluid removed from them via pumping. In a follow-up letter dated August 7, 2009, Ohio EPA expressed concern about the evaporation tanks and their potential to serve as a pathway to contamination to ground water, and Ohio EPA requested Respondent to submit engineering plans on the evaporation tanks and inspect them for structural integrity. This letter also highlighted the fact that the Site is located in the source water protection area for the Village of Camden's drinking water wells.

9. Respondent subsequently removed the subsurface structures from operation sometime between October 2009 and March 2010. Upon removal it was revealed that the structures were dry wells perforated in order to allow the discharge of fluids to the ground water. The drywells are classified as unpermitted Class V industrial waste injection wells pursuant to OAC Rule 3745-34-04(E). Respondent failed to submit inventory information regarding the Class V injection wells as required by OAC Rule 3745-34-11(L) and failed to obtain a permit to drill/permit to operate in violation of OAC Rule 3745-34-11(A). Respondent failed to submit a closure plan and closure report in violation of OAC Rule 3745-34-11(N).
10. On August 3, 2010, the Village of Camden began receiving complaints from consumers regarding the taste of their drinking water. The Village shut off well #3 and began using well #2 on August 3, 2010. Results from sampling of well #3 conducted on August 4, 2010 showed chloride levels five times greater than the secondary maximum contaminant level (SMCL), as defined by OAC Rule 3745-82-02, and cyanide at half the maximum contaminant level (MCL), as defined by OAC Rule 3745-81-11. Results from sampling of well #2 conducted on August 10, 2010 showed chloride levels greater than twice the SMCL. The Village shut off well #2 and began using water from well #1 on August 25, 2010. Results from sampling of well #1 conducted on August 30, 2010 showed chloride levels greater than the SMCL. Additional monitoring at well #1 shows that chloride levels continue to increase.
11. Follow up investigations in August 2010 revealed that Respondent had installed a drain tile to convey storm water away from the Site. The drain tile was installed sometime in March 2010 and was found to be discharging salty water to an unnamed ditch within 200 feet of Camden's #3 well. The drain tile was subsequently found to be perforated in at least the last 200 feet of the pipe thus allowing infiltration from the pipe directly to the subsurface. Pursuant to OAC Rule 3745-34-04(E)(4), this is classified as an unpermitted Class V industrial waste injection well for discharges to ground water as well as an unpermitted point source for discharges to surface water. Respondent failed to submit inventory information regarding the Class V injection well as required by OAC Rule 3745-34-11(L) and failed to obtain a permit to drill/permit to operate in violation of OAC Rule 3745-34-11(A). Respondent also failed to obtain an

NPDES permit for the discharge to surface water in violation of OAC Rule 3745-33-02(A).

12. Respondent has taken steps to plug the inlet of the drain tile to prevent additional storm water from entering into the tile and plugged the discharge and removed the last 200 feet of pipe to prevent a discharge into Beasley Run a tributary to Seven Mile Creek.
13. Pursuant to ORC Section 6111.01(C) "Industrial waste" means any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacture, trade, or business, or from the development, processing, or recovery of any natural resource, together with such sewage as is present.
14. Salt that dissolves from the pile into the subsurface is an industrial waste as defined by ORC Section 6111.01(C).
15. ORC Section 6111.01(A) defines "Pollution" to mean the placing of any sewage, sludge, sludge materials, industrial waste, or other wastes in any waters of the state.
16. ORC Section 6111.04(A)(1) and (A)(2) provide:

(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.

(A)(2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.

Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.
17. Pursuant to ORC Section 6111.07(A), no person shall violate or fail to perform any duty imposed by ORC Sections 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation is a separate offense.
18. Ground water within the aquifer and the unnamed ditch referenced in Finding 11 constitute "waters of the state" as defined by ORC Section 6111.01.

19. Respondent has discharged pollutants to ground water and surface waters of the state without a permit in violation of ORC Sections 6111.04 and 6111.07.
20. Pursuant to ORC Section 6111.03(H), the Director of Ohio EPA may issue orders to prevent, control, or abate water pollution by prohibiting or abating discharges of sewage, industrial waste, or other wastes into the waters of the state.
21. Pursuant to ORC Section 6111.044, the Director may issue orders to prevent or require cessation of violations of this section 6111.044, section 6111.043, 6111.045, 6111.046, or 6111.047 of the Revised Code, rules adopted under any of those sections, and terms or conditions of permits issued under any of them. The orders may require the elimination of conditions caused by the violation.
22. The following Orders do not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works. Any such construction or modification is subject to the permit to install (PTI) requirements of OAC Chapter 3745-42.
23. Compliance with the ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
24. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent is hereby prohibited from placing any additional salt for exterior storage on the Site until such time as Respondent obtains a Permit to Install that addresses how salt and brine generation will be managed at the Site to ensure salt/brine will not leach into ground water at the Site and brine/ runoff can be adequately controlled to protect surface waters near the Site.
2. Within twenty one (21) days of the effective date of these Orders, Respondent shall submit an interim site operational plan that addresses the removal of the existing salt piles, for Ohio EPA's review and approval that (1) minimizes exposure of the working face of the salt piles during winter months, (2) addresses site improvements and operational practices to reduce the generation of brine

and (3) a plan for collecting and lawfully disposing brine that is generated to minimize further discharges of salt to the aquifer or surface waters. Respondent shall implement the operational plan upon Ohio EPA's approval.

3. Within fourteen (14) days of the effective date of these Orders, Respondent shall submit to Ohio EPA for review and approval a ground water investigation workplan to (1) determine the full rate and extent of ground water contamination emanating from the Site and (2) determine permanent measures that will be needed to prevent further leaching or runoff of salt to waters of the state from the Site. The workplan shall include sufficient soil sampling beneath the storage pad and areas impacted by runoff to adequately characterize sub surface levels of salt in soil. The plan shall include a schedule for conducting the investigation which shall not exceed 3 months. Sampling of soil beneath the current storage pads shall be scheduled to occur once the existing piles are removed. Upon approval of the workplan, Respondent shall implement the workplan in accordance with the approved schedule. Upon approval, the workplan shall be incorporated by reference into these Findings and Orders.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of the Respondent. For purposes of these Orders, a responsible official is defined in OAC Rule 3745-33-03(E)(1) for a corporation.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to activities occurring on or at the site.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties or fines against Respondent for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapter 6111 or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondent. Nothing in these orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

XI. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, Respondent consents to the issuance of these Orders and agrees to comply with these Orders.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIII. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



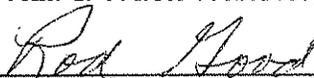
Chris Korleski
Director

DEC 22 2010

Date

IT IS SO AGREED:

Good Rail & Truck Transfer, Inc.



Signature

12-14-2010

Date

ROD GOOD

Printed or Typed Name

President

Title