

April 23, 2026

Transmitted Electronically

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**Re: Ohio Sands, LLC
Notice of Violation (NOV)
NOV
NPDES
Pike County
01J00062**

Subject: Notice of Violation

Dear Dr. Konya:

Ohio EPA, Division of Surface Water (DSW), conducted an inspection of the wastewater treatment facilities serving Ohio Sands, LLC located at 255 Wickline Road, Beaver, Ohio, Pike County on March 26, 2026. The goal of the inspection was to determine your facility's compliance with Ohio's environmental laws and regulations, the Director's Final Findings and Orders issued and effective

on November 22, 2024, (Findings and Orders), and the terms and conditions of the Ohio Sands, LLC's National Pollutant Discharge Elimination System (NPDES) permit #01J00062*AD with an effective date of October 1, 2025. Our inspection included a review of facility operations and written documentation associated with those operations.

On March 4, 2026, Ohio EPA sent a notice of violation (NOV) letter to you for noncompliance with Ohio's environmental laws and regulations, the Director's Final Findings and Orders issued and effective on November 22, 2024, (Findings and Orders), and the terms and conditions of Ohio Sands, LLC's NPDES permit. You were requested to provide documentation to Ohio EPA DSW of the actions taken and/or that will be taken to resolve the violations on or before April 3, 2026. Ohio EPA is not in receipt of documentation on your return or plan to return to compliance.

Violations

Ohio EPA DSW observed the twelve following violations of Ohio's environmental laws and regulations. Ohio EPA DSW recommends you promptly address the violations.

1. **Violation Description:** Process wastewater was observed to be discharging from stormwater outfall 004 and was bypassing the treatment cells and upper pond. The discharge of process wastewater at stormwater outfall 004 is a diversion of a waste stream from a portion of the treatment facility. This is a violation of *ORC 6111.07, ORC 6111.04(C), the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Item 13, and Part III, Item 11 of your permit.*

Requested Action: Please eliminate the process wastewater discharges at stormwater outfall 004 to return to compliance with *ORC 6111.07, ORC 6111.04(C), the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Item 13, and Part III, Item 11 of your permit.*

2. **Violation Description:** Ohio EPA was not notified of the bypass of process wastewater from a portion of the treatment facility within 24 hours of discovery. This is a violation of *ORC 6111.07, the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Item 13, and Part III, Item 12 of your NPDES permit.*

Requested Action: Please submit the 24-hour bypass report to Ohio EPA to return to compliance with *ORC 6111.07, the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Item 13, and Part III, Item 12 of your NPDES permit.*

3. **Violation Description:** Records of sampling and measurement of results and operation and maintenance activities were not available onsite. This is a violation of *ORC 6111.07, the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Item 13, and Part III, Item 7 of your permit.*

Requested Action: Please submit a detailed plan outlining how the facility will return to compliance with *ORC 6111.07, the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Item 13, and Part III, Item 7 of your NPDES Permit.*

4. **Violation Description:** The extremely turbid final effluent was observed to contain heavy solids deposits. Significant sediment deposits and channelization were observed in waters of the state. This is a violation of *ORC 6111.07, ORC 6111.04(C), the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Item 13, and Part III, Item 2 of your NPDES permit.*

Requested Action: Please submit a detailed plan outlining how the facility will return to compliance with ORC 6111.07, ORC 6111.04(C), the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Item 13, and Part III, Item 2 of your NPDES permit.

5. **Violation Description:** The control measures in place for minimizing pollutants resulting from stormwater exposure to industrial activities were not being implemented. This is a violation of *ORC 6111.07, the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Item 13, and Part IV, Item A of your NPDES permit.*

Requested Action: Please implement stormwater control measures to return to compliance with ORC 6111.07, the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Item 13, and Part IV, Item A of your NPDES permit.

6. **Violation Description:** The current stormwater pollution prevention plan was not onsite. This is a violation of *ORC 6111.07, the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Item 13, and Part IV, Item H of your NPDES permit.*

Requested Action: Please have the stormwater pollution prevention plan onsite to return to compliance with ORC 6111.07, the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Item 13, and Part IV, Item H of your NPDES permit.

7. **Violation Description:** The facility did not comply immediately with stormwater control measures upon the effective date of the issued NPDES Permit 0IJ00062*AD. This is a violation of *ORC 6111.07, Part IV, Item A of your NPDES permit, and the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Item 13.*

Requested Action: Please implement stormwater control measures to return to compliance with ORC 6111.07, Part IV, Item A of your NPDES permit, and the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Item 13.

8. **Violation Description:** Sediment is not being removed from the ponds and cells at a rate to maintain the required sediment storage design capacity. This is a violation of *ORC 6111.07, ORC 6111.04(C), the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Items 13, 15 and 16, and Part III, Item 3(A) of your permit.*

Requested Action: Please submit a detailed plan outlining how the facility will return to compliance with ORC 6111.07, ORC 6111.04(C), the November 22, 2024, Journalized Director's Final Findings and Orders, Section V, Items 13, 15 and 16, and Part III, Item 3(A) of your permit.

9. **Violation Description:** The facility has reported violations of total suspended solids in October and November 2025. This is a violation of *ORC 6111.04(C), ORC 6111.07, Order No. 13 in*

the November 22, 2024, Journalized Director's Final Findings and Orders, and Part 1 A and Part III of your permit.

Additional Information: As a result of the effluent limit violations cited above, the facility is in significant noncompliance (SNC) for total suspended solids.

Additional Information: This is the second notice of violation for this violation.

Requested Action: Please submit a written plan outlining how the facility plans to comply with the terms and conditions of the permit.

10. **Violation Description:** The facility has reported violations of total suspended solids spanning the months of December 2024 through September 2025. This is a violation of *ORC 6111.04(C), ORC 6111.07, Order No. 6 in the November 22, 2024, Journalized Director's Final Findings and Orders, and Part 1 A, Table 3 of your Temporary Discharge Permit.*

Additional Information: This is the second notice of violation for this violation.

Requested Action: See Requested Action for Violation 9.

11. **Violation Description:** The facility failed to submit Discharge Monitoring Reports (DMRs) for December 2025 and January, February, and March 2026. This is a violation of *ORC 6111.07(A), Order No. 13 in the November 22, 2024, Journalized Director's Final Findings and Orders, and Part III 4(C) of your permit.*

Additional Information: The November 2025 DMR was due on December 20, 2025, and was not submitted until January 12, 2026.

Additional Information: This is the second notice of violation for this violation.

Requested Action: Please submit the December 2025 DMR and January, February, and March 2026 DMR immediately. In addition, please submit all future DMRs on or before the 20th day of the month following the month-of-interest.

12. **Violation Description:** The facility has not constructed the industrial wastewater disposal systems in accordance with the approved PTI and schedule. This is a violation of *ORC 6111.07(A), and Order No. 11 in the November 22, 2024, Journalized Director's Final Findings and Orders.*

Additional Information: This is the second notice of violation for this violation.

Requested Action: Submit a written plan with dates outlining how the facility plans to return to compliance with ORC 6111.07(A) and the November 22, 2024, Journalized Director's Final Findings and Orders.

Conclusion

Within 14 days of receipt of this letter, please provide documentation to Ohio EPA DSW of the actions taken and/or that will be taken to resolve the violations cited above. Documentation of steps taken to resolve these violations includes but is not limited to written correspondence,

updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to Emily.Poling@epa.ohio.gov. If circumstances delay resolution of the violations, Ohio Sands LLC is requested to contact Ohio EPA DSW to discuss the situation and propose an alternative schedule to resolve the violation in a timely manner.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of Ohio EPA's authority to seek administrative or civil penalties as provided in Section 6111.09 of the Ohio Revised Code.

Should you have any questions, please contact me by phone at (740) 380-5425 and/or by email at Emily.Poling@epa.ohio.gov.

Sincerely,

Emily Poling

Emily Poling
Environmental Specialist 2
Compliance and Enforcement
Ohio EPA Division of Surface Water
Southeast District Office

EP/aa

ec: Robert Sapp, Summit Sand & Aggregates, r.sapp@ss-agg.com
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Ariel Ruth, DSW, SEDO
Scott Sheerin, DSW, CO

Attachment 1- Photograph log

Attachment 1- Photograph Log

3/26/26: Photo log – Ohio Sands LLC – NPDES # 01J00062*AD – Pike County

Photographs taken by: Emily Poling, Ohio EPA- SEDO-DSW



Photo 1 - Process wastewater discharged from Ohio Sands LLC entering road culvert to Jackson Lake.



Photo 2 - Process wastewater discharged from Ohio Sands LLC before entering Jackson Lake.



Photo 3 - Mixing zone of Ohio Sands LLC process wastewater discharge entering Jackson Lake.



Photo 4 - Stormwater outfall 004 discharging process wastewater from wash plant.



Photo 5 - Wash plant process wastewater discharge to stormwater outfall 004.



Photo 6 - Wash plant process wastewater discharge to stormwater outfall 004.



Photo 7 - Wash plant process wastewater discharge to stormwater outfall 004.



Photo 8 - Process wastewater treatment cell 1 inlet and outlet pipe.



Photo 9 – Process wastewater treatment cell 2 inlet pipe.



Photo 10 – Outlet of process wastewater cell 2 discharging into upper pond.



Photo 11 - Upper pond- side near outlet/discharge pipes for upper pond.



Photo 12 - Outlet/discharge pipes from upper pond.



Photo 13 – Lower pond.



Photo 14 - NPDES Permit outfall 01J00062003.