



Environmental
Protection Agency

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

303801

February 24, 2011

Chaney's Nursery, Inc.
1610 McKaig Road
Troy, Ohio 45373

Dear Chaney's Nursery,

On February 22, 2011, I conducted a site visit at your business located at 1610 McKaig Road. The site visit was to determine if you were operating a compost facility. During the visit a large number of windrows were visible from the highway and I was advised that you allow the City of Troy to bring their leaves from their fall collection events to your business. During a phone conversation with Sharon from Chaney's Nursery on February 23, 2011, she stated the leaves were from the local township and not being composted but only stockpiled at the business.

Please be advised the business has two (2) options to come into compliance. The first option is to remove the yard waste/leaves accepted from the public and/or from leaf collection events from the property and provide documentation of proper disposal (removal to a registered compost facility). The second option is to submit a registration request to Ohio EPA to register as a compost facility and begin operations as a Class IV compost facility per Ohio Administrative Code (OAC) Rule 3745-27-45. A registration application is enclosed for your use should you choose this option.

Please be advised that failure to remove the yard waste or register as a Class IV compost operation is classified as open dumping. Open dumping is defined under Ohio Revised Code (ORC) Section 3734.01(I), which states in part:

"Open dumping" means the depositing of solid wastes into a body of or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code.

Open burning and/or disposal of solid waste on your property instead of disposing at a licensed solid waste facility places you in violation of the following Solid Waste Laws and Regulations:

Ohio Revised Code (ORC) Section 3734.03, which states in part:

"No person shall dispose of solid wastes...by open burning or open dumping..."

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Open Dumping is also a violation of OAC Rule 3745-27-05(C), which states in part:

"No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734 of the Revised Code, and shall submit verification that the solid waste has been properly managed".

Please respond in writing to this correspondence within 14 days as to how you intend to correct this violation. If I can be of assistance please contact me at (937)285-6094.

Sincerely,



Jill Olberding

Division of Solid and Infectious Waste Management

JO/rb

enclosure: compost registration and OAC Rule 3745-27-41 & 45