



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

September 4, 2007

**RE: ASHTABULA COMPOST FACILITY
NOTICE OF VIOLATION**

CERTIFIED MAIL

Anthony Cantagallo, City Manager
City of Ashtabula
4717 Main Avenue
Ashtabula, Ohio 44004

Dear Mr. Cantagallo:

On August 26, 2007, the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of the city of Ashtabula (City) Compost Facility. I, representing Ohio EPA Division of Solid and Infectious Waste Management, was present for the inspection. The purpose of the inspection was to determine compliance with Ohio Revised Code (ORC) 3734, and Ohio Administrative Code (OAC) 3745-27.

Upon completion of the inspection of this facility, Ohio EPA identified the following violations:





1. **Ohio Revised Code (ORC) Section 3734.03** states, in part, *"No person shall dispose of solid wastes by open burning or open dumping. . . ."* and **Ohio Administrative Code (OAC) Rule 3745-27-05(C)** states that *"No person shall conduct, permit, or allow open dumping."*

The "compost site" consists of a few excessively large piles of grass clippings and tree limbs. The woody material has not been shredded nor do the piles appear to be turned on a regular basis. Therefore, the City is in violation of this rule for open dumping since the City has failed to compost, as defined by OAC 3745-27-01(C)(4) which states *"decomposition of organic matter that requires controlled conditions and yields temperatures conducive to thermophilic microorganisms, resulting in a humus like organic material."* The City must either operate as a legitimate compost facility or immediately remove all solid waste from this facility, and dispose of the compost in a licensed solid waste disposal facility.

2. **ORC Section 3734.05(A)** states, in part, *" . . . no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code. . . ."* and **OAC Rule 3745-37-01(A)** states that *"No person shall conduct municipal solid waste landfill,*

industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operation without possessing a separate valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from the board of health in the health district in which the facility is located, or by the director, if the director has assumed the licensing function for that health district."

Due to the "compost site" consisting of a few excessively large piles of grass clippings and tree limbs that do not appear to be turned on a regular basis, the City must either operate as a legitimate compost facility or immediately remove all solid waste from this facility, and dispose of the waste in a licensed solid waste disposal facility.



1. **ORC Section 3734.05(A)** states, in part, *"Manage leachate in accordance with Chapter 6111. of the Revised Code and ... [t]Take action to minimize the production of leachate and control, or eliminate, ponding of leachate and the conditions that contribute to the discharge of leachate from the facility."* For the purpose of this rule, leachate includes liquid that has come in contact or been released from compost products or solid wastes including feedstocks, bulking agents, or additives.

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The "compost site" consists of a large ponded area of leachate. Therefore, the City must either operate as a legitimate compost facility or immediately remove all solid waste from this facility, and dispose of the waste in a licensed solid waste disposal facility.

Please respond to the above violations within 15 days of the date of this letter pertaining to how the City will correct the violations at the compost facility.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the City from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please contact me at (330) 963-1268.

Sincerely,



Colum McKenna
Environmental Specialist
Division of Solid and Infectious Waste Management

CM:cl

cc: Terri Collett, Ashtabula City Health Department
Janice Switzer, Ashtabula County Solid Waste Management District
File [TUKEL/COMP/Ashtabula City/COR/04]

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