



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

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

January 23, 2009

RE: **TOPE'S PEAT MOSS  
WAYNE COUNTY  
NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Mr. Dale Tope  
Tope's Peat Moss  
7717 Dalton-Fox Lake Road  
North Lawrence, Ohio 44666

Dear Mr. Tope:

On November 13, 2008, Laura Weber, Joe Goicochea, Angel Arroyo-Rodriguez and I conducted an inspection of the Class III composting operation located at 7717 Dalton-Fox Lake Road, Baumann Township, Wayne County, Ohio. During the inspection, Laura Weber of the Division of Surface Water, Northeast District Office, addressed issues related to compliance with the Surface Water program and Joe Goicochea, Angel Arroyo-Rodriguez and I, of the Division of Solid and Infectious Waste Management, addressed issues related to compliance with the Composting/Solid Waste program. This letter addresses the composting issues that were discussed at the site on November 13, 2008.

During the inspection, Ohio EPA observed the following violation of Ohio's compost facility regulations:

**1. Ohio Administrative Code (OAC) 3745-27-41(D) Notification of class II or class III composting facilities**

This rule requires class III compost facilities to submit complete notification to the Ohio EPA and Health Department at least 30 days prior to operation. Per paragraph (D)(1)(a), this is to include:

A plan view drawing, using a scale of one inch equals no greater than one hundred feet, showing the following information inside the facility boundaries and within five hundred feet beyond the facility boundaries. . .

(v) Location of the on-site materials placement areas for the following:

- (a) Composting operations.
- (b) Storage of feedstocks, bulking agents, or additives.
- (c) Storage of curing compost.
- (d) Storage of cured compost.
- (e) Storage of compost product.

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The plan view drawing contained in the Class III Registration application which you submitted for your facility does not accurately identify items (a) through (e) listed above. It appears that the area identified in the plan view map as the "storage area" is actually where the composting operation is currently taking place. The area identified on the map as the "composting area" is where untested cured compost is currently being stored. Additionally, the area currently being used to store compost product is not identified on the plan view map.

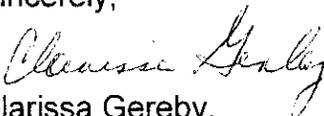
Please revise the plan map of your facility to accurately identify the location of the composting operations, the location of storage of feedstocks, bulking agents, or additives, the location of storage of curing compost, the location of cured compost and the location of storage of compost product.

Also, it appears that the storage area of untested compost is located upgradient of the tested finished product. Please be aware that this may lead to cross-contamination of the finished product by allowing it to come in contact with leachate emanating from the upgradient compost. If cross contamination occurs via contact with leachate from materials that possess a pathogen concern, you must manage the materials pursuant to OAC 3745-27-45(I)(3). Ohio EPA recommends that the facility's material placement be re-evaluated in order to eliminate the cross contamination potential that currently exists at the facility.

Please submit a revised site plan map to the following address: Ohio EPA, Division of Solid and Infectious Waste Management, Lazarus Government Center, P.O. Box 1049, Columbus, Ohio, 43216-1049. Please contact me at (330) 963-1224, if you have any questions regarding this letter.

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 Entity 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 for remedying conditions resulting from any release of contaminants to the environment.

Sincerely,

  
Clarissa Gereby,  
Environmental Specialist  
Division of Solid and Infectious Waste Management

CG:cl

cc: Ken Eng, Wayne County Health Dept. Angel Arroyo-Rodriguez, DSIWM, CO

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Sent to *Dale Tope*  
 Street, Apt. No.,  
 or PO Box No. *Tope's Peat Moss*  
 City, State, ZIP+4 *North Lawrence, OH*  
 PS Form 3800, August 2006 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Mr. Dale Tope**  
**Tope's Peat Moss**  
**7717 Dalton-Fox Lake Road**  
**North Lawrence, Ohio 44666**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 *Diana L. Tope*  Addressee

B. Received by (Printed Name) *Diana L. Tope* C. Date of Delivery *1-30-09*

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