



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

Re: Notice of Violation
Garden Ridge Nursery
Defiance County

February 5, 2009

Mr. Gerald Richter, General Manager
Enviro Artscaping, Inc. dba Garden Ridge Nursery
28115 Leach Road Suite B
Defiance, OH 43512

Mr. Gerald Richter
Prescription Soils, LLC
05557 State Route 66N
Defiance, Ohio 43512

Dear Mr. Richter:

This correspondence will document two comprehensive inspections conducted at the Garden Ridge Nursery Compost Facility (Facility). The inspections were performed on October 14, 2008 and October 30, 2008, and conducted in accordance with Ohio Administrative Code (OAC) Chapter 3745-27. You represented the Facility for both inspections. Kimberly Burnham and I represented the Ohio Environmental Protection Agency (Ohio EPA) on October 14, 2008 and Brent Goetz and I represented Ohio EPA on October 30, 2008.

This letter is only intended to address the solid waste issues relating to the inspections. Compliance issues relating to Ohio EPA's Division of Surface Water regulations will be addressed in a letter under separate cover. The Facility's paperwork was not available for either inspection. You indicated, during the October 14, 2008, inspection, that the Facility's paperwork was currently located at your Leach Road office.

October 14, 2008, Inspection

Class III Compost Area #1, ID # 20C3R0712

Compost Area #1 contained two piles of compost mixed with non-toxic fly ash and a pile of old compost.

October 14, 2008, Inspection

Class III Compost Area #2, ID # 20C3R0833

Violations of OAC Rule 3745-27-45

OAC Rule 3745-27-45(C)(4) states,
The owner or operator shall maintain access roads at the facility to allow for passage of loaded

vehicles during inclement weather conditions.

1. Compost Area #2 (Enlarged Pond #1), which containing four piles of curing compost, was flooded with leachate. Compost Area #2 was inaccessible for equipment or loaded vehicles. The owner/operator of Garden Ridge Nursery is in violation of OAC Rule 3745-27-45(C)(4) for failure to maintain access roads in Compost Area #2.

OAC Rule 3745-27-45(G) states,

Surface water management. The owner or operator of a composting facility shall control surface water runoff and run-on, prevent ponding and erosion, and minimize the impact to surface and ground waters. For the purposes of this rule, runoff includes precipitation that has fallen onto the composting facility and has come in contact with any compost products, or solid wastes including feed stocks, bulking agents, or additives. At a minimum, the owner or operator shall do the following:

OAC Rule 3745-27-45(G)(2) states,

Divert surface water from the materials placement areas. The land surface of the waste handling, composting, compost curing, and cured compost areas of the facility shall be greater than or equal to one per cent in slope and less than or equal to six per cent in slope so as to direct surface water to collection points or otherwise control surface water drainage to minimize erosion.

2. Surface water is not being diverted from the materials placement area in Compost Area #2 (Enlarged Pond #1). The materials placement area in Compost Area #2 was flooded with leachate and surface water. The owner/operator of Garden Ridge Nursery is in violation of OAC Rule 3745-27-45(G)(2) for the failure to divert surface water from the materials placement area in Compost Area #2.

OAC Rule 3745-27-45(H)(3)(b) states,

Leachate management. The owner or operator of a class I, II, III, or IV composting facility shall do the following: 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.

3. Leachate was pumped into Compost Area #2 (Enlarged Pond #1), from leachate collection ponds #2, #3 and #4. Compost Area #2 is not designed as a storage area for leachate. The owner/operator has taken no action to minimize the production of leachate or eliminate the ponding of leachate in Compost Area #2. Further, no action has been taken to eliminate the conditions that contribute to the discharge of leachate from the facility. The owner/operator of Garden Ridge Nursery is in violation of OAC Rule 3745-27-45(H)(3)(b) for failure to eliminate ponding of leachate and the conditions that contribute to the discharge of leachate from the facility.

October 30, 2008, Inspection

Class III Compost Area #1, ID # 20C3R0712

Compost Area #1 contained two piles of compost mixed with non-toxic fly ash and a pile of old compost.

October 30, 2008, Inspection

Class III Compost Area #2, ID # 20C3R0833

Violations of OAC Rule 3745-27-45

OAC Rule 3745-27-45(C)(4) states,

The owner or operator shall maintain access roads at the facility to allow for passage of loaded vehicles during inclement weather conditions.

1. Compost Area #2 (Enlarged Pond #1), which containing four piles of curing compost, was flooded with leachate. Compost Area #2 was inaccessible for equipment or loaded vehicles. The owner/operator of Garden Ridge Nursery is in violation of OAC Rule 3745-27-45(C)(4) for failure to maintain access roads in Compost Area #2.

OAC Rule 3745-27-45(G) states,

Surface water management. The owner or operator of a composting facility shall control surface water runoff and run-on, prevent ponding and erosion, and minimize the impact to surface and ground waters. For the purposes of this rule, runoff includes precipitation that has fallen onto the composting facility and has come in contact with any compost products, or solid wastes including feed stocks, bulking agents, or additives. At a minimum, the owner or operator shall do the following:

OAC Rule 3745-27-45(G)(2) states,

Divert surface water from the materials placement areas. The land surface of the waste handling, composting, compost curing, and cured compost areas of the facility shall be greater than or equal to one per cent in slope and less than or equal to six per cent in slope so as to direct surface water to collection points or otherwise control surface water drainage to minimize erosion.

2. Surface water is not being diverted from the materials placement area in Compost Area #2 (Enlarged Pond #1). The materials placement area in Compost Area #2 was flooded with leachate and surface water. The owner/operator of Garden Ridge Nursery is in violation of OAC Rule 3745-27-45(G)(2) for the failure to divert surface water from the materials placement area in Compost Area #2.

OAC Rule 3745-27-45(H)(3)(b) states,

Leachate management. The owner or operator of a class I, II, III, or IV composting facility shall do the following: 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.

3. Leachate was pumped into Compost Area #2 (Enlarged Pond #1), from leachate collection ponds #2, #3 and #4. Compost Area #2 is not designed as a storage area for leachate. The owner/operator has taken no action to minimize the production of leachate or eliminate the ponding of leachate in Compost Area #2. Further, no action has been taken to eliminate the conditions that contribute to the discharge of leachate from the facility. The owner/operator of Garden Ridge Nursery is in violation of OAC Rule 3745-27-45(H)(3)(b) for failure to eliminate ponding of leachate and the conditions that contribute to the discharge of leachate from the facility.

OAC Rule 3745-27-45(I)(1)(c) states,

For the purposes of this rule, "cross contamination" means any of the following: The intentional or unintentional mixing of feed stocks, cured compost, bulking agents, or additives that do not possess a pathogen concern with any feed stocks, cured compost, bulking agents, or additives that do possess a pathogen concern.

4. The curing compost in Compost Area #2 (Enlarged Pond #1) has been in contact with leachate that may possess a pathogen concern. The curing compost may have been cross contaminated and must be managed as outlined in OAC Rule 3745-27-45(I)(3) and re-tested in accordance with OAC Rule 3745-27-46.

In accordance with OAC Rule 3745-27-05(A), solid waste may only be disposed of by one or more of the following methods: disposal at a sanitary landfill, incineration at a licensed incinerator, composting at a registered or licensed compost facility or an alternative disposal method. The applicant must receive prior authorization from the director to use an alternative disposal method.

Other Issues

Several other issues were discussed during the inspection. These issues are summarized below.

- Prescription Soils acquires material (compost) from Garden Ridge Nursery.
- Prescription Soils owns the loader and trommel screen.
- The on-site mechanic is an independent contractor who works and is paid by the responsible entity (ie: Garden Ridge Nursery, Prescription Soils, Marty's Landscaping).
- The on-site compost is an asset of the Farmers and Merchants State Bank.

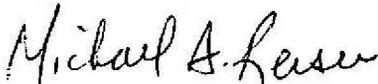
Compliance with the requirements outlined in this letter or the solid and infectious waste provisions in ORC Chapter 3734 and the rules promulgated thereunder, does not relieve the owner/operator of his/her obligation to comply with other State and Federal laws and regulations.

Mr. Gerald Richter – Enviro Artscaping
Mr. Gerald Richter - Prescription Soils
February 5, 2009
Page Five

This correspondence addressed specific observations only for the areas of Garden Ridge Nursery that were inspected. Nothing present in nor absent from this correspondence is intended to mean that no other violations existed at the facility at the time of inspection.

Please respond to this correspondence in writing, within 14 days, and indicate how you will correct the violations as listed above.

Sincerely,



Michael A. Reiser, R.S.
Environmental Supervisor
Division of Solid and Infectious Waste Management

/lb

pc: Kim Moss, Defiance County Health Department
John Cayton, AGO, Toledo
Alison Shockley, Ohio EPA, DSIWM
Carl Mussenden, Ohio EPA, CMEU
Dana Martin-Hayden, DSW, NWDO
Jack Van Kley, Van Kley & Walker LLC
~~Files: Defiance County, Garden Ridge Nursery, Composting~~