



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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www.epa.state.oh.us

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

October 29, 2007

**RE: LAWRENCE COUNTY
COMP - IRONTON COMPOST
20070474**

Mr. Frank Warner
171 Private Road 2550
Proctorville, Ohio 45669

Dear Mr. Warner:

On October 23, 2007, I conducted a follow-up inspection of your wood processing facility along with your wood waste dump to discuss the October 15, 2007, Notice of Violation that I sent you. You informed me that you are going to request that OEPA terminate your Class 4 Compost Registration. You stated that you don't compost that much material and that you would incorporate the approximate 3 cubic yards of grass clippings/compost into your garden. You stated that you would cease dumping limbs and stumps over the hill and try to incorporate that material into your mulch and firewood business.

I received a telephone call from your wife later that day; she stated that the brush/stump dump had caught fire and was also burning material in the mulch pile. I revisited your property on October 24 and 25 and observed a large fire that was consuming your illegal dump and some of your mulch pile.

As a result of this inspection, I have the following comments concerning the different operations on your property:

1. During these inspections, I observed that the compost area has approximately 3 cubic yards of compost. This is located next to your garden. You stated that you use yard clippings from a lawn service to add organic material to your garden. Your garden is on top of a ridge that has predominately clay soils. You stated that you do not sell compost and will request in writing that OEPA terminate your Class 4 Compost Registration. The compost area is not located in the area that is on fire.
2. I also observed an area where you store wood chips as a mulch and sell some of the cured wood chips as mulch. This area is on fire.
3. I observed an area used for your fire wood program where you sell cut wood as fire wood. During these inspections, you were trying to remove as much firewood as you could to prevent the fire from burning your firewood.
4. I observed an area where you store logs to sell to the mining industry. The logs are not in the fire area.
5. I also observed an area where you are disposing of limbs, branches and stumps. This area is being consumed by the fire.

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During this inspection, I observed the following violations:

ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

OAC 3745-27-05(C) - 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 responsible for the open dumping, the owner of the property, or the person who allows 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.

OAC Rule 3745-27-45(A)(6) - The owner or operator shall prepare, maintain and implement a contingency plan to address discovery of prohibited material, fire, explosion, spills, and equipment failure. The owner or operator shall have a copy for the contingency plan available for inspection by Ohio EPA.

OAC Rule 3745-27-45(C)(5) - The owner or operator shall employ reasonable measures to limit access to the composting facility.

OAC Rule 3745-27-45(C)(10) - The owner or operator who accepts tree stumps shall have the capability to process this yard waste material. For the purpose of this paragraph, "capability to process" means the owner or operator shall have equipment available to shred or chip the tree stumps. The owner or operator shall ensure the tree stumps are processed, at a minimum, on an annual basis.

OAC Rule 3745-27-45(G) - Surface water management - The owner or operator of a composting facility shall control surface water run-off and run-on, prevent ponding and erosion and minimize the impact to surface and ground waters. For the purpose of this rule, run-off includes precipitation that has fallen onto the composting facility and has not come in contact with any compost products, or solid wastes including feed stocks, bulking agents, or additives.

OAC Rule 3745-27-45(G)(2) - Divert surface water from the materials placement areas.

OAC Rule 3745-27-45(H)(3)(b) - 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.

It is your responsibility to extinguish the fire and suppress the smoke that is coming from your brush/ stump dump and mulch pile. All fire residuals must be disposed as a solid waste.

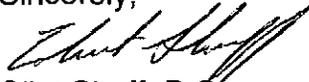
Please respond to this District Office within ten days of receipt of this letter to inform me of your intentions and actions to abate the above noted violations and suppress the fire.

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

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Should you have questions, please contact me at (740) 380-5246.

Sincerely,



Clint Shuff, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

CAS/jg

cc: Lawrence County Health Department
Dan Palmer, Lawrence and Scioto County Solid Waste Management District
Cindy Charles, Portsmouth Local Air Authority