



State of Ohio Environmental Protection Agency

Southeast District Office

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www.epa.state.oh.us

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

October 15, 2007

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

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

Dear Mr. Warner:

The Southeast District Office of the Ohio EPA received a complaint concerning the operation of your Class IV Compost Facility. I conducted an inspection of the Warner Class IV Compost facility located in Proctorville, Ohio on October 9, 2007. I met with you on this day to discuss your operation.

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

1. During this inspection, 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 services 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 sale compost.
2. I also observed an area where you store wood chips as a mulch and sale some of the cured wood chips as mulch.
3. I observed an area used for your fire wood program where you sale cut wood as fire wood.
4. I observed an area where you store logs to sale to the mining industry.
5. I also observed an area where you are disposing of limbs, branches and stumps. This area where you are cliffing the unwanted brush, limbs and stumps should be incorporated into one of your other wood programs. You stated that some of the wood waste is from a tree service. This waste would be considered a solid waste unless you can incorporate the wood material into your mulch, firewood, or logs program.

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.

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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.

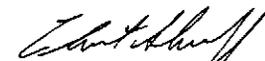
You must divert surface water, minimize leachate production, chip your tree stumps, prepare a contingency plan, and incorporate the wood waste that you are disposing of into one of your programs.

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

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.

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