



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Notice of Violation
Tri State Garden Supply Company
Henry County

November 17, 2011

Mr. Brian Kammeyer
Tri State Garden Supply Company, Inc.
P. O. Box 451
Archbold, Ohio 43502

Dear Mr. Kammeyer:

On September 21, 2011, I, representing the Ohio Environmental Protection Agency (Ohio EPA) Division of Materials and Waste Management (DMWM) conducted an inspection of the Tri State Garden Supply Company Class III compost facility (Facility) located in Ridgeville Township, Henry County, Ohio. This inspection was conducted to verify compliance with Ohio Administrative Code (OAC) Chapter 3745-27. Also present for the inspection was Dana Martin-Hayden of Ohio EPA's Division of Surface Water (DSW). The results from DSW's inspection were sent under separate cover dated October 14, 2011. The Facility was represented during the inspection by Brian Kammeyer. The weather at the time of the inspection was sunny and 60 degrees.

Inspection Observations – South Field (South of Owl Creek) – Tracking Map #1

The compost feedstocks noted on the south field, as depicted on tracking map #1, are outside of the boundary of a registered Class III compost facility. OAC Rule 3745-27-45(A)(2) states, "The owner or operator of a Class II, III, or IV composting facility shall meet the registration requirements prior to initiating operations at the facility and shall maintain status as a "registered compost facility," in accordance with rule 3745-27-41 of the Administrative Code, in order to continue operations at the facility."

The owner/operator is in violation of OAC Rule 3745-27-45(A)(2) for initiating composting operations on the south field prior to meeting the registration requirements.

Pile C – Pile C contains compost feedstocks that have been tested. Testing is complete and a copy of the results was provided.

Pile G – Pile G contains N-Viro and Sauder wood waste both of which are classified as prohibited materials. Mr. Kammeyer indicated that Pile G contains all the remaining N-Viro Soil/Sauder wood waste on-site.

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In 2008, approximately 2760 cubic yards of Pile G was taken to a Gardenscape site in the state of Pennsylvania. The owner/operator's management of the prohibited material must comply with OAC Rule 3745-27-45(C)(2), which requires prohibited material to be removed, logged in the daily log, and properly disposed. To comply with this rule, all prohibited material must be removed from the Facility and taken to a facility that is allowed to accept it, i.e. in Ohio, a licensed solid waste landfill or a Class I or II composting facility that has obtained approval from the director to accept the specific material.

OAC Rule 3745-27-45(A)(4)(a) states, "The owner or operator shall not accept any prohibited material at the facility. Prohibited material includes the following:

- (a) Any feedstock, bulking agent, or additive other than those feedstock types, bulking agents, or additives authorized by rule 3745-27-40 of the Administrative Code."

The owner/operator remains in violation of OAC Rule 3745-27-45(A)(4)(a) for accepting a prohibited material. Pile G containing N-Viro and Sauder wood waste is classified as a prohibited material.

OAC Rule 3745-27-41(B)(3) states, "No person shall substantially change a currently registered composting facility without first submitting the notification required by paragraph (D) or (E) of this rule.

- (3) A change in the type of feedstock, bulking agent, or additive received when the acceptance of the new feedstock type, bulking agent, or additive requires a change in the class of the facility."

The owner/operator remains in violation of OAC Rule 3745-27-41(B)(3) for substantially changing the facility without notifying the director. The acceptance of N-Viro and Sauder wood waste is considered a new feedstock and requires a change in the class of the facility.

These violations can be resolved by properly managing and removing Pile G from the Facility.

Inspection Observations – North Field (North of Owl Creek) – Tracking Map #2

The north field, as depicted on tracking map #2, is the site of the registered Class III compost facility.

The owner/operator has placed four markers at the corners of the compost facility boundary. These markers were used to field verify the size of the Class III compost facility. Windrow designation numbered 10, 11, 32, 16, 17, 18, 19, 20 and 21 are located within the compost facility boundary as noted on tracking map #2. Windrow designation # 8 and #9 and Pile H are located outside of the compost facility boundary.

OAC Rule 3745-27-40(E)(2) states Class III facilities must have a material placement area of less than one hundred and thirty-five thousand square feet of total area. One hundred and thirty-five thousand square feet is approximately 3.1 acres. The material placement area currently exceeds 3.1 acres.

The owner/operator is in violation of OAC Rule 3745-27-45(A)(1) for failure operate the facility in compliance with the applicable authorizing documents. Specifically, the Class III compost facility registration.

This violation can be resolved by moving windrow #8 and #9 into the designated materials placement area and by providing testing results for Pile H that indicates it meets compost quality standards. Likewise, Pile H could be moved into the designated materials placement area if testing was not completed.

Surface water had ponded along Owl Creek on the north field. OAC Rule 3745-27-45(G)(1) 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 purpose of this rule runoff includes precipitation that has fallen onto the composting facility and has not come in contact with any compost products, or solid wastes including feedstocks, bulking agents, or additives. At a minimum, the owner or operator shall do the following:

- (1) Manage surface water in compliance with the requirements of Chapter 6111. Of the Revised Code.

The owner/operator is in violation of OAC Rule 3745-27-45(G)(1) for the failure to control surface water runoff and run-on.

Leachate was present on the north field along Owl Creek. OAC Rule 3745-27-45(H)(3)(a) and (b) states, "The owner or operator of a class I, II, III or IV composting facility shall do the following:

- (a) Manage leachate in accordance with Chapter 6111. of the Revised Code.

- (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.”

OAC Rule 3745-27-45(H)(4)(b) states, “The owner or operator of a class I, II, or III composting facility shall do the following:

- (c) Collect and contain leachate within the boundary of the composting facility and prevent leachate from discharging to water of the state. Leachate may be collected and contained for re-introduction into the composting process.”

The owner or operator is in violation of OAC Rule 3745-27-45(H)(3)(a) and (b) and OAC Rule 3745-27-45(H)(4)(b) for the failure to properly manage leachate.

Summary of Violations:

1. OAC Rule 3745-27-45(A)(2) – Violation for initiating composting operations on the south field prior to meeting the registration requirements.
2. OAC Rule 3745-27-45(A)(4)(a) – Violation for accepting prohibited materials (N-Viro and Sauder’s wood waste).
3. OAC Rule 3745-27-41(B)(3) – Violation for substantially changing the facility without notifying the director.
4. OAC Rule 3745-27-45(A)(1) – Violation for failure to operate the facility in compliance with applicable authorizing documents.
5. OAC Rule 3745-27-45(G)(1) – Violation for failure to control surface water runoff and run-on.
6. OAC Rule 3745-27-45(H)(3)(a) and OAC Rule 3745-27-45(H)(3)(b) – Violation for failure to properly manage leachate.

Please respond to this correspondence in writing, within 14 days, indicating how the owner/operator plans to address the aforementioned violations.

This correspondence addresses specific observations only for the areas of the Tri State Garden Supply Company composting facility 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.

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Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in the Ohio Revised Code Chapter 3734. and the rules promulgated thereunder, does not relieve the owner/operator Tri State Garden Supply Company from their obligations to comply with other applicable state and federal laws and regulations.

If you have any questions, please have your attorney contact John Cayton of the Ohio Attorney General's Office at (419) 245-2553 to coordinate our discussion.

Sincerely,

Michael A. Reiser

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

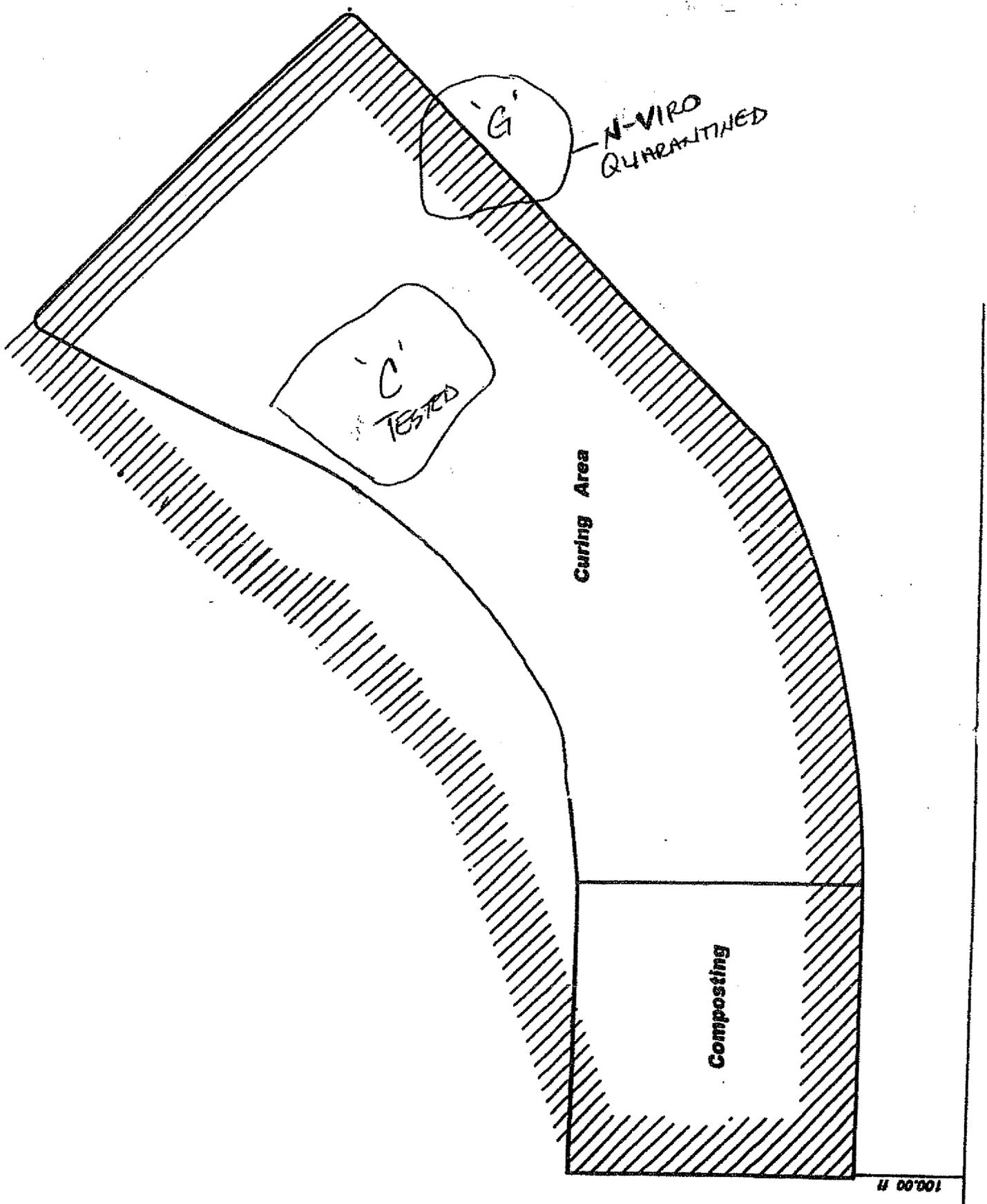
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Attachment: Tracking Map #1, Tracking Map #2

pc: Jeff Andre, Tri State
John Cayton, Assistant Attorney General
~~File: DMWM-SW, Henry County, Gardenscape, Inspections~~

ec: Carl Mussenden, Ohio EPA, DMWM, CO
Sue Hardy, Ohio EPA, DMWM, NWDO
Michael Reiser, Ohio EPA, DMWM, NWDO
Dana Martin-Hayden, Ohio EPA, DSW, NWDO
Larry Reeder, Ohio EPA, DSW, CO

SOUTH FIELD
9/21/11
INSPECTION
TRACKING MAP #1



100.00 ft



NORTH FIELD
 9/21/11
 INSPECTION
 TRACKING MAP #2

6/27/11

