



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Bio-Fill
Class III compost facility

November 27, 2007

Mr. Charles Baldwin
Bio-Fill
P.O. Box 528420
Port Clinton, Ohio 43452

Dear Mr. Baldwin:

On November 15, 2007, I, representing the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of your property located on Hartshorn Road at State Route 163. An Ohio EPA registered Class III Compost Facility is located on this site, in addition to a clean hard fill site, a manufactured soil blending operation, and a firewood processing area. The inspection was conducted to determine compliance with Ohio Administrative Code (OAC) Chapters 3745-27, 3745-37, and 3745-400. Also present was Mr. Mike Reiser from Ohio EPA. You accompanied us during the inspection.

COMPOST FACILITY:

The required daily log of operations forms completed thus far for 2007 were reviewed. The annual cover sheet (Form 1), incoming materials logs (Form 2), materials management and distribution forms (Form 3), daily inspection checklists (Form 4), and unauthorized materials report forms (Form 5) had been completed as required. As discussed, Ohio EPA has recently revised the composting facility daily log of operations forms. A copy was provided at the time of the inspection. It may also be found on our website at: http://www.epa.state.oh.us/dsiwm/document/guidance/gd_010.pdf.

The composting area was then inspected. A windrow of mixed wood chips, brush, grass clippings, and other yard waste was noted. No solid waste or other prohibited material was observed in the yard waste. You stated that new materials are being placed at the end of previous years' finished compost product pile.

The access roads were well-maintained. Proper signage was posted at the entrance to the compost facility and at the front gate.

We also discussed the required testing of compost product prior to distribution. You have test results from 1997 but have not tested since. All compost product must be tested before it may be distributed. If new (untested) materials are placed in contact with finished (tested) product, then the resultant pile, composed of old and new material, must be tested before any of the resultant compost can be distributed.

In preparation for the writing of this letter, I reviewed your August 10, 2006, response to my July 13, 2006, letter regarding the June 5, 2006, inspection to ensure I fully addressed all of your concerns. On page 2 of your response, you quote an Ohio EPA document regarding yard waste compost: *"Rules require that the compost shall be sampled and tested at a minimum of once every twenty thousand cubic yards of cured compost produced."* Your response then states *"Only 83 ½ cubic yards of manufactured soil has ever been made of which 51 ½ cubic yards has been removed from Bio-Fill, ½ of which is compost, the other ½ of which is aged dredgings."* Upon my re-reading of your response, I realized that I had not fully explained the sampling frequency requirements to you.

Ohio EPA's current rules require that all compost produced by a Class III facility be tested at a frequency of at least once every ten thousand cubic yards or per pile of cured compost, before it is distributed. This does not mean that a Class III facility can produce and distribute several batches of compost and only test the specific batches that are produced at 10,000 cubic yard intervals. What it does mean is that each batch of compost must be tested before it is distributed, even if the quantity of compost to be distributed is much less than 10,000 cubic yards. The owner/operator may choose to combine several different batches of finished compost into one pile and test the resultant pile, to minimize the number of tests that must be conducted, but all compost material that is distributed by the facility must be tested prior to distribution. Please see page 5 of the enclosed "Class III Composting Facility Requirements" guidance document for more specifics regarding testing.

The rule regarding sampling, OAC Rule 3745-27-46, can be viewed on our website at: <http://www.epa.state.oh.us/dsiwm/pages/3745-27.html>.

CLEAN HARD FILL AREA:

Only clean hard fill – reinforced or non-reinforced concrete, asphalt, block, brick, tile, or stone – and soil were observed in the clean hard fill area. A completed notice of intent to fill form was included with your August 10, 2006 response letter. No issues were noted.

FIREWOOD PROCESSING AREA:

Most of the fresh tree trunks observed during the June 5, 2006, inspection have been split for firewood. You stated during the inspection and in your August 10, 2006, response letter that you burn wood to heat your home. A wood splitter was noted near the remaining tree trunks.

In my July 13, 2006, letter regarding the June 5, 2006, inspection, I cited violations of the open dumping law and rule. These violations are hereby rescinded. Please accept my apology for the misunderstanding.

OTHER PORTIONS OF THE PROPERTY:

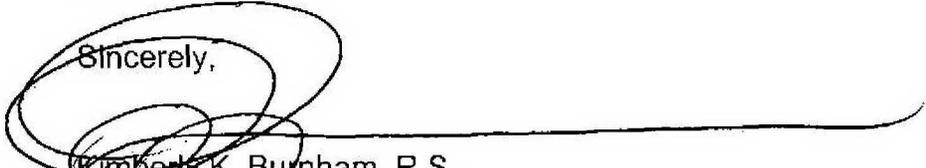
The pile of lumber and scrap wood near the southeast corner of the property that was previously observed during previous inspections was still present. You stated that your intent is still to grind this pile of wood and use it as a bulking agent in your composting operations and that you would remove the several pieces of pressure treated lumber from the pile before it is ground. You also stated during the inspection that the tub grinder you had purchased in 2002 had been operational but was vandalized and that you intended to take the damaged components to a machine shop for repair. Shredding of untreated wood for use as a bulking agent is certainly acceptable. This particular pile of lumber has been documented as being present since 2002. Ohio EPA urges the owner/operator to remove the pressure treated lumber from the pile and dispose, use, or properly store it.

This correspondence addresses specific observations only of the areas of the Bio-Fill Facility that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no violations existed at the facility at the time of inspection.

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 of the Bio-Fill Facility from their obligations to comply with other applicable state and federal laws and regulations.

If you have any questions, please contact me at the Northwest District Office at (419) 373-3049.

Sincerely,



Kimberly K. Burnham, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

/llr

Enclosure

pc: Kimberly Burnham, DSIWM, NWDO
~~File: Ottawa County, compost~~