



State of Ohio Environmental Protection Agency

Northwest District Office

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

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

June 15, 2007

Mr. Tim Kasmoch
Tri State Garden Supply Company
P.O. Box 451
Archbold, Ohio 43502

Dear Mr. Kasmoch:

On June 14, 2007, I, representing the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of your Class III solid waste composting facility (Facility) located in Ridgeville Township, Archbold, Ohio. This inspection was conducted to verify compliance with Ohio Administrative Code (OAC) Rule 3745-27. Also present for the inspection were Mike Reiser, Dana Martin-Hayden and Nush Courlas of Ohio EPA and Jon Lindsay of the Henry County Health Department. The Facility was represented by Brian Kammeyer.

This letter is intended to address only the processing, bagging and distribution of the N-Viro Soil/manure/Sauder wood waste mixture. All other issues regarding the June 14, 2007, inspection will be addressed under separate cover.

During the inspection, we observed the shredding of the N-Viro Soil/manure/Sauder wood waste mixture in the north portion of the facility, near the pile containing the N-Viro Soil/manure/Sauder wood waste mixture, identified as #33 on the tracking map in the daily log. In addition, a pile of material Mr. Kammeyer identified as containing the N-Viro Soil/manure/Sauder wood waste mixture was located in the mixing/bagging area near a screen. When questioned, Mr. Kammeyer stated that the material was being mixed into Gardenscape's topsoil product, bagged, and distributed. Near the end of the inspection, we observed an operator in a front end loader mixing materials into this pile. Mr. Kammeyer stated that the Facility has been mixing, bagging, and distributing the N-Viro Soil/manure/Sauder wood waste mixture for approximately thirty days. Mr. Kammeyer stated that the very large pile identified in previous inspections as the "50/50" pile, which consisted of half cow manure and half N-Viro Soil/manure/Sauder wood waste mixture, has already been distributed.

The owner/operator of Tri State Garden Supply Company is in violation of OAC Rule 3745-27-45(A)(4)(a) for accepting prohibited materials (N-Viro Soil and Sauder wood waste), OAC Rule 3745-27-45(C)(2) for failing to manage the prohibited materials as required, and OAC Rule 3745-27-46(B)(1) for failing to demonstrate compliance with the compost quality standards.

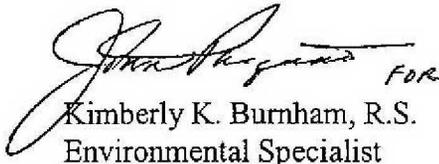
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As communicated to you in letters from the Henry County Health Department, as well as by Ohio EPA in recent meetings, mixtures containing N-Viro Soil and/or wood waste must be managed in accordance with applicable laws and regulations.

The owner/operator of Tri State Garden Supply Company must immediately cease distributing any material containing N-Viro Soil and/or wood waste.

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

Sincerely,

 FOR
Kimberly K. Burnham, R.S.
Environmental Specialist

/csl

pc: Jon Lindsay, Henry County Health Department
John Cayton, AGO
Carl Mussenden, Ohio EPA, DSIWM, CO
Dana Martin-Hayden, Ohio EPA, DSW, NWDO
File: Henry, Gardenscape, Inspections