



**Environmental
Protection Agency**

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

May 26, 2011

**BELMONT COUNTY
COMP – RIVER VALLEY COMPOST
NOV**

Mr. Stanley Kaldor
61280 Ray Ramsey Road
Jacobsburg, Ohio 43933

RE: Notice of Violation

Dear Mr. Kaldor:

On May 24, 2011, Ohio EPA conducted an inspection of River Valley Compost (Facility). In attendance were Mark Mansfield and I from Ohio EPA Southeast District Office. The Facility has made the following improvements since my last visit on April 21, 2011:

1. Food is not noticeable in the windrows indicating that the Facility is grinding the food as requested by Ohio EPA.
2. Facility has removed most of the plastic bags in the windrows.
3. The section of the Facility that was not a windrow, but a giant pile of rotten food, has been cleaned up and made into windrows; this was referenced in my April 21, 2011, letter as OAC rule 3745-27-45(E)(1).

During the course of our inspection, the following violations were observed:

The following violations are based on Ohio EPA Solid & Infectious Waste Regulations, Ohio Administrative Code (OAC) 3745-27-45 Composting facility operations.

OAC Rule Reference	Rule
3745-27-45(A)(1) This rule is cited because you have a temporary staging area for when the weather is bad, even though you are not currently using it, it needs to be part of your facility drawings.	General operational requirements. The owner or operator of a composting facility shall operate the facility in accordance with the following: (1) The owner or operator of a composting facility shall operate the facility in compliance with the applicable authorizing document(s). Such authorizing documents may include a permit to install issued under rule 3745-27-02 of the Administrative Code, a solid waste disposal license issued in accordance with Chapter 3745-37 of the Administrative Code, a director's approval granted in accordance with paragraph (H) of rule 3745-27-40 of the Administrative Code, and information submitted for the registration in accordance with rule 3745-27-41 of the Administrative Code.
3745-27-01(B)(2) Biodegradable containers should have an ASTM standard of D6400-04 or D6868.	Biodegradable containers ⁸ means a container composed of materials, such as vegetable matter, paper, cardboard, and plastics that meet the American Society for Testing and

	<p>Materials (ASTM) "Standard Specification for the Compostable Plastics" (D6400-04) (www.astm.org) and that may display the International Biodegradable Products Institute's "Compostable Logo," that will decompose or degrade at a rate equal to or faster than the material within the containers under equivalent conditions.</p>
<p>3745-27-45 (A)(3) The only daily logs available were June and July 2010, and January and February 2011.</p>	<p>The owner or operator of a composting facility shall have a copy of all applicable authorizing documents available for inspection by Ohio EPA or the approved health department during normal operating hours.</p>
<p>3745-27-45(A)(4)(a) You have not provided proof that the bags at the Facility have an ASTM standard of D6400-04 or D6868.</p>	<p>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.</p>
<p>3745-27-45(A)(5) When we discussed the plastic bags you indicated that you were still shredding the bags and incorporating them into the windrows. Although you have indicated that you are no longer accepting them you continue to add them as if they are biodegradable. If you want to continue this practice you need to prove they have an ASTM standard of D6400-04 or D6868.</p>	<p>The owner or operator shall properly manage any containers used to transport authorized materials to a composting facility that do not meet the definition of biodegradable containers as defined in rule 3745-27-01 of the Administrative Code. Such containers shall not be introduced into the composting process except at a class I composting facility where the owner or operator is mixing such containers with type J feedstocks.</p>
<p>3745-27-45(C)(1)(d) This is in reference to the whole fruits and vegetables that are scattered where the grinding occurs and over the embankment.</p>	<p>Daily operations. (1) The owner or operator of a composting facility shall conduct operations at the composting facility in such a manner that: All reasonable measures are employed to collect, properly contain, and dispose of scattered litter, including the use of portable wind screens and frequent inspection of the facility.</p>
<p>3745-27-45(G)(2) During our inspection you indicated that leachate on the property was not leachate but "mango juice." The mango juice you are referring to meets our definition of leachate and therefore needs to be treated as such.</p>	<p>Surface water management. The owner or operator of a composting facility shall control surface water runoff and run-on, prevents ponding and erosion, and minimizes 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: Divert surface</p>

	<p>water from the materials placement areas. The land surface of the waste handling, composting, compost curing, and cured compost areas of the facility shall be greater than or equal to one per cent in slope and less than or equal to six per cent in slope so as to direct surface water to collection points or otherwise control the surface water drainage to minimize erosion.</p> <p><i>[Comment: The owner or operator of a composting facility, where different feedstock types are accepted, may be subject to cross contamination as described in paragraph (I) of this rule. When applicable, the owner or operator should consider cross contamination in the design</i></p>
<p>3745-27-45(H)(3)(b)</p> <p>Leachate accumulation on the property needs to be properly managed.</p>	<p>Leachate management. The owner or operator of a class I, II, III or IV composting facility shall do the following: 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.</p>
<p>3745-27-45(J)</p>	<p>Records retention. Upon request, copies of the records specified in this paragraph shall be submitted to the approved health department or Ohio EPA. The owner or operator of a composting facility shall have the following records available for a period of no less than three years:</p> <p>(1) Copies of the results obtained from all testing required by rule 3745-27-46 of the Administrative Code and any other test results required by the director.</p> <p>(2) The daily log forms required by paragraph (K) of this rule.</p>
<p>3745-27-45(K)</p> <p>The record keeping at the facility is unacceptable. It is imperative that you read the composting rules provided and follow them.</p>	<p>Inspection of the facility, the daily log, and pile, in-vessel, or windrow identification. The owner or operator shall inspect the facility, maintain a daily log, and if applicable, establish a tracking system....</p>
<p>3745-27-45 (L)(3)</p> <p>(This rule is in reference to the odor complaints and the litter that is outside the windrows and over the embankment.)</p>	<p>Type D feedstocks. The owner or operator who accepts type D feedstocks for composting shall operate the facility in such a manner that: The type D feedstock shall be incorporated into the composting process in a timely manner to prevent nuisances including, but not limited to, odor, vectors, and litter.</p>

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As the Facility owner and operator it is your responsibility to maintain compliance with Ohio rules and regulations. It is imperative that you become familiar with the laws you agreed to follow when starting this Facility.

Please respond to this correspondence (in writing) within 15 days of receipt. Your response should include details on how you plan to return to compliance. If you have any questions, please contact me at (740) 380-5228.

Sincerely,

A handwritten signature in cursive script that reads "Erika Jackson". The signature is written in black ink and is positioned above the typed name.

Erika Jackson, RS
Environmental Specialist II
Division of Materials and Waste Management

EMJ/jg