



Environmental
Protection Agency

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

Case-
149290

June 26, 2012

Mr. Doug Harter
Superintendent of Public Works
City of Piqua
859 South Main
Piqua, Ohio 45356

RE: City of Piqua Class IV Composting Facility Partial Inspection, Notice of Violation

Dear Mr. Harter:

On June 12, 2012, I conducted an inspection at the city of Piqua Class IV Composting Facility located at 6030 North Piqua Troy Road, Piqua, Ohio. The following violations and comments are a result of the inspection.

1. Solid waste was present in several of the piles. Solid waste is a prohibited material, and its presence in the compost piles is a violation of Ohio Administrative Code (OAC) Rule 3745-560-410 (C)(1)(a), which states in part;

The owner or operator shall not accept any prohibited material at the facility. Prohibited material includes . . . any solid waste.

Solid waste was present in the piles that had been through the shredder and also the pile of most recent yard waste that had not yet received any processing. Please remove prohibited materials immediately and document on Form 5 of the facility's daily log. If you wish to allow cardboard boxes or paper bags to remain in the yard waste as a bulking agent, you must first shred before adding to the compost pile.

2. Facility signage was not posted. This is a violation of OAC Rule 3745-560-410(K), which states;

When public access is allowed, the owner or operator shall post signs with letters not less than three inches in height at the compost facility including the receiving and distribution areas. The owner or operator shall post signs at the entrance of the composting facility that include the following statement:

"This composting facility only accepts yard waste and will not accept hazardous waste, infectious waste, asbestos, batteries, or other prohibited materials."

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3. During the inspection you asked about the shredding of wood pallets. OAC Rule 3745-560-410(L) allows for clean untreated wood at compost facilities. If you wish to use pallets, the wood must be shredded and you must remove all foreign materials including but not limited to nails and banding.
4. Paperwork is not kept at the site. The daily logs were not reviewed at the time of the inspection; however, I did go over the requirements with you. Please provide me the address of the office in which the daily logs are kept and during the re-inspection I will review the daily logs. Please keep all logs for three years.
5. Hard fill including concrete, rock, etc. is being accepted for fill in an area separate from the composting. If the City wishes to conduct fill activities, the City must provide Ohio EPA a notice of intent to fill per OAC Rule 3745-400-05. I am enclosing a copy of the rule and a fact sheet for submitting a notice of intent to fill.
6. In addition to the hard fill and compost activities, the City has a dumpster at the property for scrap tires. If the City wishes to have a scrap tire collection area, the City must obtain a registration and license. Please cease the collection of scrap tires and contact a registered scrap tire hauler to pick up the scrap tires.
7. During my site visit, I was asked if old utility poles could be disposed of at this property. The poles must be disposed of at a licensed disposal site and may not be buried on the City's property.

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code, or, under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation Recovery Act remedying conditions resulting from ant release of contaminants to the environment.

You are required to respond in writing to this Notice of Violation within 14 days of the receipt of this letter. Your response must include actions taken to correct the above violations and address each comment. If you have any questions, please feel free to phone this office at (937) 285-6094. Thank you in advance for your cooperation.

Sincerely,



Jill Olberding, R.S.
Environmental Specialist
Division of Materials and Waste Management

JO/tf

Enclosure



Scrap Tire Collection Facilities

PURPOSE

This educational guideline addresses owner and operator responsibilities when registering and operating a scrap tire collection facility in Ohio and is intended to guide readers through some of the major requirements of the scrap tire rules. However, it is only a guide and the appropriate sections of the Ohio Administrative Code should be read in their entirety.

Scrap tire collection facility is defined in Ohio Administrative Code Rule 3745-27-01. It is a type of scrap tire storage facility that is used for the receipt and storage of **whole** scrap tires from the public prior to their transportation to an approved destination.

A scrap tire collection facility must obtain a registration certificate from Ohio EPA and an annual operating license from the local approved health department, or Ohio EPA if the health department is unapproved. Scrap tire collection facilities may have a maximum storage area of 5,000 cubic feet (185 cubic yards) of effective scrap tire storage, and all of the scrap tires must be stored in portable containers and in accordance with the operational criteria established in Ohio Administrative Code Rule 3745-27-65.

APPLICABLE RULES/STATUTES

- Ohio Revised Code 3734
- Ohio Administrative Code 3745-27-61
- Ohio Administrative Code 3745-27-62
- Ohio Administrative Code 3745-27-65

HOW MUST TIRES BE STORED TO COMPLY WITH THE RULES?

The operational requirements for scrap tire collection facilities can be found in Ohio Administrative Code Rule 3745-27-65(D). In general, however, **whole** scrap tires must be stored in portable containers whose total

volume does not exceed 5,000 cubic feet. The storage of cut or shredded scrap tires is **not** authorized at a collection facility. Ohio's scrap tire rules are crafted to complement the local fire code, and appropriate fire lanes must be maintained around containers at all times. Covering tires with soil at a collection facility is prohibited. For specific storage requirements, please refer to Ohio Administrative Code Rule 3745-27-65(D).

WHAT FEES DO SCRAP TIRE COLLECTION FACILITIES HAVE TO PAY?

Collection facilities are required to submit a one-time registration application. The non-refundable registration application fee is \$15. If the registration is issued, the balance of the one-time registration fee, \$185 (~~\$200 - \$15~~), will be billed to the applicant.

[Note: The \$15 non-refundable application fee is applied toward the total registration fee.]

In addition to obtaining a registration certificate, scrap tire collection facilities are also required to obtain an **annual** operating license from the approved local health department or Ohio EPA if the local health department is not approved for the solid waste program. The non-refundable license application fee for collection facilities is \$100. If the license application is approved, the balance of the annual license fee, \$100 (~~\$200-\$100~~), will be billed to the applicant.

Registration and license applications can be downloaded from Ohio EPA's Web site at: <http://www.epa.state.oh.us/dsiwm>.

ARE ANY OTHER PERMITS REQUIRED FOR SCRAP TIRE COLLECTION FACILITIES?

Operators of scrap tire collection facilities may be subject to permit requirements of other Ohio EPA divisions. It is recommended that operators contact the Ohio EPA Division of Air

Scrap Tire Collection Facilities

Pollution Control and the Ohio EPA Division of Surface Water to determine whether additional permits are necessary.

HOW DO THE OHIO AND LOCAL FIRE CODES APPLY TO THE STORAGE OF SCRAP TIRES?

The location of a single container holding scrap tires should be coordinated with the local fire official. The general fire code Ohio Administrative Code 1301:7-7-03, **General precautions against fire**, applies to the storage of combustible material such as scrap tires.

DOES A COLLECTION FACILITY NEED TO OBTAIN FINANCIAL ASSURANCE?

No. Scrap tire collection facilities are not required to obtain a financial assurance instrument to operate.

DO COLLECTION FACILITIES HAVE TO KEEP RECORDS?

Yes. According to Ohio Administrative Code Rule 3745-27-65(J), collection facilities must fill out either a two-part or three-part shipping paper with the scrap tire transporter each time tires are delivered to or picked up from the facility. In addition, collection facilities are required to maintain a daily log to track each incoming or outgoing shipment and to provide a constant estimate of the number of tires on site.

Copies of the shipping papers must be retained on file for at least three years. These papers do not need to be sent to Ohio EPA or to the local health department, but must be available for inspection. However, an annual report summarizing the information from the shipping papers must be submitted to Ohio EPA.

WHO IS EXEMPT FROM REGISTERING AS A COLLECTION FACILITY?

The requirement to obtain a registration certificate does not apply to the following scrap tire collection facilities:

- A retail tire dealer location that meets either of the following:
 - No more than 1,000 scrap tires are present any time in an unsecured, uncovered, outdoor location; or
 - Any number of scrap tires secured in a building or covered, enclosed container, trailer, or installation;
- A tire retreading business, tire manufacturing finishing center, or tire adjustment center where 4,000 or less scrap tires are stored in a single, covered scrap tire storage area.
- A business that removes tires from motor vehicles in the ordinary course of business that has a single scrap tire storage area that occupies not more than 2,500 square feet;
- An approved beneficial use site;
- A registered scrap tire transporter that collects and holds scrap tires in a covered trailer or vehicle at their business location for not longer than 30 days prior to transporting them to their final destination.
- Any political subdivision or state agency that conducts a roadside or public property litter cleanup operation or a community tire collection event, and stores the tires for less than 30 days;
- A licensed solid waste transfer facility, where all scrap tires are pulled from mixed loads of solid waste and are stored in portable enclosed containers;
- A licensed construction and demolition debris landfill, where the scrap tires are pulled from mixed loads of construction and demolition debris and are stored in portable enclosed containers.

Scrap Tire Collection Facilities

POINT OF CONTACT

Northeast District Office DSIWM Supervisor at
Twinsburg: 330-963-1200

Northwest District Office DSIWM Supervisor at
Bowling Green: 419-352-8461

Central District Office DSIWM Supervisor at
Columbus: 614-728-3778

Southeast District Office DSIWM Supervisor at
Logan: 740-385-8501

Southwest District Office DSIWM Supervisor at
Dayton: 937-285-6357

Central Office-Scrap Tire Unit at Columbus:
614-644-2621

DISCLAIMER

The procedures set out in this document are intended solely for guidance. The procedures are not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any party against Ohio EPA. While this guidance document is not legally binding, all statutes and rules referenced herein are binding and enforceable. Ohio EPA reserves the rights to vary this guidance or to change it at any time without public notice and also reserves the right to deviate from this guidance on a case-by-case basis.

DSIWM Doc. 0563
May 2002

Clean Hard Fill

What is Clean Hard Fill?

Clean hard fill consists only of reinforced or non-reinforced concrete, asphalt concrete, brick, block, tile, and/or stone.

Ohio Administrative Code 3745-400-05 addresses the regulation of clean hard fill.

What is meant by "Clean"?

"Clean" in clean hard fill means that the clean hard fill material is not contaminated by solid wastes, infectious wastes, hazardous wastes, or construction and demolition debris (C&DD). If these types of waste are commingled with clean hard fill, all of the materials must be handled and disposed of as solid waste, infectious waste, hazardous waste, or C&DD.

Uses for Clean Hard Fill

Clean hard fill can be:

- * Recycled into a useable construction material (see section titled **Can Clean Hard Fill be stored for future use?**),
- * Disposed of in licensed construction and demolition debris or other waste facilities,
- * Used to change grade on the site of generation or removal,
- * Used to change grade on a site other than the site of generation (see section titled **Notice of Intent to Fill**).

The provider and the user should also be aware that they are liable for any adverse environmental impacts that may occur due to the mismanagement of the clean hard fill. Before using the clean hard fill, the following should be considered:

- * Clean hard fill with material adhered or absorbed to it may be regulated under another program. For example, if PCBs are present it may be regulated under the Toxic Substances Control Act.

Clean hard fill that exhibits a hazardous waste characteristic or is contaminated with hazardous waste is defined as a hazardous waste. Such material is subject to regulation under the hazardous waste rules and cannot be used as fill material unless it is decontaminated according to the hazardous waste rules, OAC 3745-270.

- * Clean hard fill cannot be placed in regulatory wetlands or floodplains without first receiving permission to fill from the Ohio EPA Division of Surface Water and/or the U.S. Army Corps of Engineers.
- * Clean hard fill placement or storage must also be done in such a way that it does not cause a nuisance or health hazard. If done improperly, voids between these materials can be created and serve as a harbor or breeding ground for wild animals and rodents, or

result in an unstable area.

- * The presence of rebar may pose a safety risk. Cutting the rebar even with the concrete would reduce that risk.

Notice of Intent to Fill

Any person using clean hard fill to change grade on a site other than the site of generation, must provide a written "Notice of Intent to Fill" to the licensing authority(ies) where the clean hard fill is to be placed.

The Notice of Intent to Fill shall state the nature of the fill material, the site of generation or removal, the site(s) to be filled, when filling will begin and end, and the telephone number of the person making the notification.

The notification must be received at least seven days prior to filling by each local licensing authority with sites to be filled. The person making the notification will provide a new Notice of Intent to Fill if there are any changes in the information required by the rule for notification.

Failure to provide the Notice of Intent to Fill to the appropriate licensing authority prior to filling may result in the person engaged in filling being charged with a fourth degree misdemeanor.

Can Clean Hard Fill be stored for future use?

Clean hard fill can be stored for

the purpose of recycling into a useable construction material. It must be stored for a period of less than two years and be retrievable and substantially unchanged. A pile adjacent to a construction materials processing facility can exist for longer than two years if clean hard fill material is added to and removed from the pile within a two year period.

Clean hard fill can be temporarily stored for more than two years, or for another purpose, if it is held in such a manner that it remains retrievable and substantially unchanged, or if the site is licensed as a C&DD facility. Failure to meet either of these criteria is considered to be illegal disposal.

For more information, call your local health department, the Ohio EPA district office, or the Division of Solid and Infectious Waste Management.

Ohio EPA Division of Solid and Infectious Waste Management

Central District Office
(614) 728-3778
Northeast District Office
(330) 425-9171
Northwest District Office
(419) 352-8461
Southeast District Office
(740) 385-8501
Southwest District Office
(937) 285-6357

3745-400-05 Clean hard fill.

- (A) Clean hard fill consisting of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, or stone shall be managed in one or more of the following ways:
- (1) Recycled into a usable construction material.
 - (2) Disposed in licensed construction and demolition debris or other waste facilities.
 - (3) Used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on the site of generation.
 - (4) Used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on a site other than the site of generation, pursuant to paragraph (C) of this rule.

[Comment: Use of clean hard fill may create a nuisance or a safety hazard. The application of cover over the clean hard fill may be one way to address the nuisance or safety hazard.]

- (B) Clean hard fill may be stored for a period of less than two years. For the purpose of this rule, "stored" means debris which is held in a manner remaining retrievable and substantially unchanged. Clean hard fill stored more than two years shall be considered illegal disposal of construction and demolition debris. However clean hard fill piled adjacent to a construction materials processing facility shall not be considered stored for more than two years if the pile is active, that is, if clean hard fill material is added to and removed from the pile within a two year period.
- (C) The person responsible for causing clean hard fill to be used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on a site other than the site of generation, shall provide a written "Notice of Intent to Fill" to each licensing authority where the clean hard fill is to be placed. The Notice of Intent to Fill shall state the nature of the fill material, the site(s) to be filled, when filling will begin and end, and the telephone number of the notifier. The notification shall be received by each local licensing authority with sites to be filled, at least seven days prior to filling as required by division (F) of section 3714.13 of the Revised Code. The notifier shall provide a new Notice of Intent to Fill if there are any changes in the information required by this rule for notification.

3745-400-05

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Effective: August 31, 2002

R.C. 119.032 review dates: May 9, 2001 ; August 31, 2007

Certification: _____

June 24, 2002
(Date)

Promulgated Under: R.C. Chapter 119
Statutory Authority: R.C. Section 3714.02
Rule Amplifies: R.C. Section 3714.02
Prior Effective Dates: September 30, 1996