



Environmental
Protection Agency

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

FILE COPY
CORE - 54449

July 16, 2012

Mr. Scott Walter
City of Troy
1400 Experiment Farm Road
Troy, Ohio 45373

**RE: Dye Mill Road Class IV Composting Facility Inspection
Notice of Violation**

Dear Mr. Walter:

On July 9, 2012, I conducted an inspection at Dye Mill Road, a Class IV composting facility located at 1200 Dye Mill Road, Troy, Ohio. The day of the inspection was hot and dry. The following violations and comments are a result of my inspection.

1. Facility signage was not posted. This is a violation of Ohio Administrative Code (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 wastes, infectious wastes, asbestos, batteries, or other prohibited materials."

Please update your signage to comply with the rule requirement.

2. An older version of Form 2 of the Compost Facility Log of Operations was being completed and will be available for inspection. Form 1 (Yearly Cover Sheet), Form 3 (Materials Management), Form 4d (Self-Inspection Checklist Class IV Composting Facility), Form 5 (Unauthorized Materials), and Form 6 (Yard Waste Refusal Form) were not being completed and/or available for inspection, which is a violation of OAC Rule 3745-560-04(A), which states in part:

An owner or operator of a compost facility shall maintain a log of operations on forms prescribed by the director . . . Material management

information: dates when tree stumps, pallets and clean whole wood are processed and dates when compost piles, windrows, and vessels are formed, turned . . .

The Log of Operations form was provided to the Operator, Les Stacey, in a June 14, 2012, email from me and I left hard copies of the form during this site visit. Please begin using the forms immediately and keep available for inspection the Log of Operations for a minimum of three (3) years.

3. It is recommended that you use the composting daily log for the incoming yard waste and not include the incoming wood waste you will use for mulch on this log. In addition, you should separate the composting and mulch operations on the plan view drawing which must be submitted by February 1, 2013, with the facility's annual report.
4. Solid waste was present in several of the yard waste 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.

Remove prohibited materials (solid waste) immediately and document on Form 5 of the facility's daily log.

5. Full green colored bio-bags and a few paper bags used to transport yard waste to a composting facility were present at the facility and were not being opened up prior to adding to the yard waste piles. This is a violation of OAC Rule 3745-560-410(G), which states:

Compostable containers shall be shredded or otherwise processed to increase the exposed surface area for composting prior to incorporation into the composting process.

Please ensure all compostable bags entering the facility are ripped open. This will ensure that only authorized materials are contained in the bags and will help with timely composting of the yard waste and the bags.

6. Street sweepings from a city of Troy vehicle were observed being dumped at the property. It was confirmed with the city of Troy driver that the material dumped on the ground was street sweepings.

Solid waste is defined under OAC Rule 3745-27-01(S)(23), which states in part:

“Solid waste” means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations,



Open Dumping is defined under Ohio Revised Code (ORC) Section 3734.01(I), which states in part:

“Open dumping” means the depositing of solid wastes into a body of or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code.

Street sweepings are defined as a solid waste. Open dumping of solid waste is a violation of OAC Rule 3745-27-05(C), which states in part:

“No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly

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remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.”

Ohio Revised Code (ORC) Section 3734.03, which states in part:

“No person shall dispose of solid waste by open burning or open dumping...”

This letter serves to inform you that the street sweepings on the property must be removed for proper disposal at a licensed disposal facility. Receipts documenting proper disposal need to be submitted to Ohio EPA, Southwest District Office, Attn: Jill Olberding, 401 E. Fifth Street, Dayton, Ohio 45402-2911. If you have any interest in the beneficial reuse of your street sweepings, please contact John Schierberl at (614) 644-2955 or John.Schierberl@epa.state.oh.us .

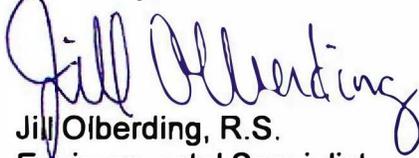


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Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code, or, under the Federal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

The city of Troy is 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,

A handwritten signature in blue ink that reads "Jill Oiberding". The signature is written in a cursive style with a large initial "J".

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

ec: Les Stacey, Operator

JO\bp