

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

July 26, 2007

CERTIFIED MAIL

Mr. Howard E. Hartung
Chief Operating Officer
N-Viro International Corporation
3450 W. Central Avenue, Suite 328
Toledo, Ohio 43606

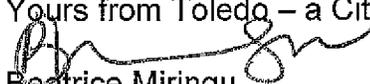
Re: Notice of Violation

Dear Mr. Hartung:

Enclosed, please find a "Notice of Violation". Please review this document carefully as some action is required on your part.

If you have any questions, please feel free to contact me at 419-936-3766.

Yours from Toledo – a City the Future! *


Beatrice Miringu,
Environmental Specialist

*fDi Magazine –April 2007

cc: T. Casey Stephens, TDOES
Karen Granata, TDOES
Leslie Kovacik Toledo Law
John Paulian, OEPA
Lisa Holscher, USEPA Region V

Notice Of Violation

N-Viro International Corporation
 3130 Front St.
 Toledo Ohio 43605

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

Regulations Violated	Description and Dates of Violations								
<p><u>OAC rule 3745-17-07(B)(6)</u></p> <p>(B) Visible particulate emission limitations for fugitive dust: Except as provided in paragraphs (B)(7) to (B)(11) of this rule there shall be no visible particulate emissions from any material storage piles except for a period of time not to exceed thirteen minutes during any sixty-minute observation period, as determined in accordance with paragraph (B)(4) of rule 3745-17-03 of the Administrative Code.</p> <p><u>TMC 1783.01</u> Adopted and incorporated by referenceas OAC 3745-17 emissions of particulate matter.</p>	<p>On July 12, 2007, a total of 25 minutes of visible emissions were observed over a period of 35 minutes at from your dirt piled stored at 3130 Front St. The observation time started at 4:30pm and ended at 5:10pm.</p> <p>Visible Emissions observations were recorded in 15 minutes blocks as follows:</p> <table border="1" data-bbox="846 968 1458 1167"> <thead> <tr> <th><u>Time</u></th> <th><u>Recorded</u></th> </tr> </thead> <tbody> <tr> <td>4:30 pm to 4:45 pm</td> <td>10 minute</td> </tr> <tr> <td>4:45 pm to 4:55 pm</td> <td>10 minutes (break)</td> </tr> <tr> <td>4:55 pm to 5:10pm</td> <td>15 minutes</td> </tr> </tbody> </table>	<u>Time</u>	<u>Recorded</u>	4:30 pm to 4:45 pm	10 minute	4:45 pm to 4:55 pm	10 minutes (break)	4:55 pm to 5:10pm	15 minutes
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<p><u>TMC 1777.01</u></p> <p>Air pollution nuisances prohibited.</p> <p>The emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes or combinations of substances, in such manner or in such amounts as to endanger or tend to endanger the health, comfort, safety or welfare of the public..... No person shall cause, permit, or maintain any such public nuisance.</p>	<p>Members of the public notified this office of the dust in the air on Front St. near and east of Millard St. Official from this office observed dust on the identified section and determined it was coming from the N-Viro dirt piles.</p>								

The above violation(s) may subject the violator to **penalties** of up to \$25,000 per violation. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

Required Actions

Within 14 days of receipt of this Notice of Violation, you shall:

1. Abate the violations or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
 - a. Description(s) and date(s) of action(s) taken thus far to abate the violation(s).
 - b. Description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).
 - c. Description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s).

Your written response, and any questions regarding this Notice of Violation, should be directed to Beatrice Miringu, City of Toledo Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604.

