



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

DECEMBER 7 , 2012

Mr. Bob Mosier
3331 Columbus Avenue
Springfield, Ohio 45503

**Re: Class III composting facility registration application
Notice of Violation**

Dear Mr. Mosier:

On November 5, 2012, Ohio EPA Division of Materials and Waste Management (DMWM) received an application for a class III composting facility proposed to be located at 2730 Columbus Avenue in Springfield, Clark County, Ohio. This letter serves as notice that the registration application received by DMWM on November 5, 2012 cannot be approved because the proposed facility does not meet the following siting criteria:

1. OAC Rule 3745-560-300(C)(1)(a) requires that the materials placement area and leachate management structures shall not be located within two hundred feet from any surface waters of the state.
2. OAC Rule 3745-560-300(C)(1)(i) requires that the materials placement area and leachate management structures shall not be located within the one hundred year floodplain.
3. OAC Rule 3745-560-300(C)(2) requires that the materials placement area and leachate management structures not be located within the inner management zone of a drinking water source protection area.

DMWM requested the assistance from Ohio EPA's Division of Drinking and Ground Water (DDAGW) to determine the location of the proposed facility in relation to the siting criteria. According to this information, the proposed facility does not meet the above referenced siting criteria. Therefore, the proposed location of the facility cannot be used for a class III composting facility.

Maria Lammers of Ohio EPA's Southwest District Office inspected the proposed facility on November 13, 2012. The inspection revealed that you have accepted feedstocks

and bulking agents, which are considered solid waste, at the proposed facility before you received a composting facility registration. OAC Rule 3745-560-300(A) states that:

“No person shall establish a new class III composting facility or continue to operate an existing facility without first submitting a registration application in accordance with this rule.”

Since the registration application you submitted does not meet the rule requirements, you are in violation of OAC Rule 3745-560-300(A). Until you obtain a composting facility registration, you must remove and properly manage all solid wastes from the proposed facility.

You need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, you are requested to provide documentation to this office describing the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, and photographs, as appropriate, and may be submitted via the postal service to Maria Lammers, Ohio EPA-DMWM-SWDO, 401 East Fifth Street, Dayton, OH 45402, or electronically to maria.lammers@epa.ohio.gov.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions or concerns, please contact me by telephone at (614) 728-5344 or by e-mail at barry.chapman@epa.ohio.gov.

Sincerely,



Barry Chapman
Environmental Specialist
Division of Materials and Waste Management

BC/sw

cc: Maria Lammers, DMWM, SWDO
Anne Kaup-Fett, Clark County Combined Health District