



**Environmental  
Protection Agency**

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

Re: Notice of Violation  
Tri State Garden Supply Company  
Henry County

October 19, 2012

**CERTIFIED MAIL**

Mr. David Kasmoch Jr.  
Tri State Garden Supply Company, Inc.  
Gardenscape, Inc.  
P.O. Box 184  
Route 38 and Sandy Point Road  
Eau Claire, Pennsylvania 16030

Dear Mr. Kasmoch:

On October 4, 2012, I, representing the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO) conducted an inspection of the Tri State Garden Supply Company Class III compost facility (Facility) located in Ridgeville Township, Henry County, Ohio. This inspection was conducted to verify compliance with Ohio Administrative Code (OAC) Chapter 3745-27 and the August 21, 2012, Consent Order (Consent Order).

Also present for the inspection was Dana Martin-Hayden with Ohio EPA's Division of Surface Water (DSW) and Sue Hardy and Jeremy Scoles with Ohio EPA's DMWM. The results from DSW's inspection will follow under separate cover. The Facility was represented during the inspection by Brian Kammeyer. The weather at the time of the inspection was cool and sunny with a light wind.

**Inspection Observations – Regarding the August 21, 2012 Consent Order**

**Paragraph 16 of the Consent Order**

Pile "C" is located on the south field of the property outside of the Facility boundaries. The owner/operator is in compliance with the Consent Order regarding Pile "C".

**Paragraph 17 of the Consent Order**

Pile "H" is located on the north field of the property outside of the Facility boundaries. Testing results for Pile "H" were received by Ohio EPA, DMWM, NWDO on January 26, 2012. The testing results indicated that Pile "H" meets the compost quality standards pursuant to OAC Rule 3745-560-330 (formerly OAC Rule 3745-27-46(C)). The owner/operator is in compliance with the Consent Order regarding Pile "H". The contents of Pile "H" may be placed into distribution.

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### **Paragraph 18 of the Consent Order**

Pile "G" contained the N-Viro and Sauder's sawdust that was located on the south field of the property outside of the Facility boundaries. 80% of Pile "G" has been removed from the property and trucked to Pennsylvania. The remaining 20% of Pile "G" was moved to north side of the property awaiting transport to Pennsylvania. In accordance with the Consent Order, Pile "G" was to be removed from the property by September 30, 2012.

The owner/operator is in violation of the August 21, 2012, Consent Order for failure to completely remove Pile "G" from the property. Mr. Kammeyer indicated the remaining material will be removed over the next few weeks. The owner/operator will remain in violation of Paragraph 18 until Pile "G" is completely removed. Please notify Ohio EPA, DMWM, NWDO when the removal of Pile "G" is completed so that the Agency may perform a re-inspection.

### **Inspection Observations – Regarding the Ohio Administrative Code**

The daily log of operations were reviewed and found to be complete. The owner/operator conducts weekly inspections of the Facility and logs all incoming and outgoing material. Please be advised that as of April 2, 2012, new daily log of operation forms should be utilized at the Facility. Please ensure Mr. Kammeyer is utilizing the new daily log of operation forms.

Class III compost facilities must have a material placement area of less than one hundred and thirty-five thousand square feet of total area. One hundred and thirty-five thousand square feet is approximately 3.1 acres. Four steel posts were noted on the corners of the 3.1 acres. Permanent markers are to be constructed upon completion of the site-wide regarding activities.

Windrow #21 was located at the very western edge of the compost facility. It was difficult to determine if the entire windrow was within the west edge of the facility. Mr. Kammeyer indicated that he would turn windrow #21 so that there was no question as to the location of windrow #21 and the west facility boundary. Pile B was located at the east edge of the facility. No unauthorized feedstocks were noted in windrow #21 or Pile B.

The owner or operator has maintained access roads at the facility to allow for passage of loaded vehicles during inclement weather conditions.

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The owner or operator was controlling surface water runoff and run-on and preventing ponding and erosion. 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.

No operational violations were noted on this day. Please call me at 419.373.3126 if you have any questions regarding this letter.

Sincerely,



Michael A. Reiser, R.S.  
Environmental Supervisor  
Division of Materials and Waste Management

/cg

pc: Brian Kammeyer, Tri State  
Jeff Andre, Tri State  
John Cayton, Assistant Attorney General  
File: DMWM-SW, Henry County, Gardenscape, Inspections  
Certified Mail Receipt Number 7011350000082042739

ec: Carl Mussenden, Ohio EPA, DMWM, CO  
Sue Hardy, Ohio EPA, DMWM, NWDO  
Mike Reiser, Ohio EPA, DMWM, NWDO  
Dana Martin-Hayden, Ohio EPA DSW, NWDO  
Jeremy Scoles, Ohio EPA DMWM, NWDO