



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

November 20, 2012

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

**RE: Dye Mill Road Class IV Composting Facility
Partial Return to Compliance**

Dear Mr. Walter:

In a letter dated July 12, 2012, Ohio EPA provided Notice of Violations (NOV) occurring at the Dye Mill Road Class IV Composting Facility (Facility) located at 1200 Dye Mill Road, Troy, Miami County, Ohio. The violations were following an inspection conducted on July 12, 2012. On November 13, 2012, Ohio EPA performed a follow-up inspection of the Facility to determine compliance with Ohio's solid waste laws and regulations. As a result of the inspection, Ohio EPA determined the city of Troy abated the following violations:

Citation	Requirement	Action taken
OAC Rule 3745-560-410(K)	Facility signage	Facility sign meeting specific language requirement is posted.
OAC Rule 3745-560-410(C)(1)(a)	No solid waste in yard waste piles	Solid waste is being removed from the yard waste.
OAC Rule 3745-560-410(G)	Compostable containers must be shredded	Visible green bags of yard waste where found cut open.

During the re-inspection on November 13, 2012, Ohio EPA determined that the Facility remains in violation of the following:

Citation	Requirement	Date first observed
OAC Rule 3745-560-04(A)	Shall maintain a log of operations	July 9, 2012
OAC Rule 3745-560-415(B)(2)	Complete log of operation at a minimum once per week at an active compost facility and once per month at an inactive compost facility.	July 9, 2012
OAC Rule 3745-27-05(C)	Street sweepings must be disposed of at a licensed solid waste facility	July 9, 2012
ORC Section 3734.03	Street sweepings must be disposed of at a licensed solid waste facility	July 9, 2012

1. Compost Facility Log of Operations, 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. Hard copies of the form were provided during the July 2012 site visit. Please begin using the forms immediately and keep the Log of Operations available for inspection for a minimum of three (3) years.

2. It has come to my attention that street sweepings from the city of Troy are still being disposed of at the Facility. I was informed that the street sweepers are returning to the city of Troy maintenance property, that city staff dump their vehicle’s waste on the ground and visible waste / litter is removed and the rest of the material is picked back up and hauled to the Facility. All the material collected from the street sweeper following sweeping of the streets is defined as a solid waste and must be taken to a licensed solid waste facility for disposal.

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 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”.

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

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

The city of Troy must immediately take the necessary measures to return to compliance with Ohio's environmental laws. Documentation should be submitted to this office demonstrating abatement of existing violations. 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, the city of Troy is requested to submit written correspondence of the steps that will be taken by a certain date to attain compliance.

Mr. M. Scott Walter, Operations Superintendent
Dye Mill Road Class IV Composting Facility
November 20, 2012
Page 4

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please contact me by telephone at (937) 285-6094 or by email at jill.olberding@epa.ohio.gov.

Sincerely,

A handwritten signature in black ink that reads "Jill Olberding". The signature is written in a cursive style with a large, looped "J" and "O".

Jill Olberding
Environmental Specialist
Division of Materials & Waste Management

JO/tb