



**Environmental
Protection Agency**

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

September 19, 2012

Mr. Bart Replogle
BR Mulch Inc.
620 Ginghamburg Road
Tipp City, Ohio 45371

**RE: BR Mulch
Partial Return to Compliance**

Dear Mr. Replogle:

In a letter dated July 11, 2012, Ohio EPA provided notice of violations occurring at BR Mulch located at 620 Ginghamburg Road in Tipp City, Miami County, Ohio. The violations were originally communicated to you during an exit conference following an inspection conducted on July 3, 2012. On September 12, 2012, Ohio EPA performed a follow-up inspection of BR Mulch to determine compliance with Ohio's solid waste laws and regulations. As a result of the inspection, Ohio EPA determined BR Mulch 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)	Yard waste free of solid waste	Solid waste was removed from the yard waste at the time of the inspection.

During the inspection of September 12, 2012, Ohio EPA determined that BR Mulch remains in violation for incomplete/missing daily logs and a new violation for solid waste being present in the yard waste pile was occurring:

Citation	Requirement	Date first observed
OAC Rule 3745-560-04(A)(4)	Compost daily logs	July 3, 2012
OAC Rule 3745-560-410(C)(1)(a)	Solid waste in yard waste pile	September 12, 2012

1. Compost Facility Log of Operations is not complete. Form 2, Materials Acceptance and Distribution, was behind on completing. Form 3, Material Management, was not available for inspection. Form 4d, Self-Inspection Checklist – Class IV, was again behind

Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 6249 (fax)
www.epa.ohio.gov

on completing and/or partially completed. Failure to complete the Compost Facility Log of Operations is a violation of OAC Rule 3745-560-04(A)(4), which states in part;

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

2. Solid waste was present in 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.

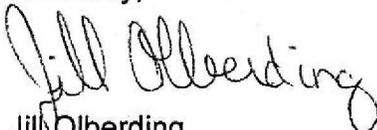
Prohibited materials (solid waste) are to be immediately removed and documented on Form 5 of the facility's daily log. The solid waste was removed from the pile at the time of the inspection. **Please insure the solid waste is documented on Form 5 of the Compost Facility Log of Operations.**

BR Mulch 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, BR Mulch is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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,



Jill Olberding
Environmental Specialist
Division of Materials & Waste Management

JO/tf