



State of Ohio Environmental Protection Agency

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**CERTIFIED MAIL # 91 7108 2133 3932 4449 6917**

October 7, 2009

Cynthia Schmitt  
CSW Farms  
127 Jackson Street  
West Jefferson, OH 43062

**Re: Notice of Violation (NOV) based upon a compliance evaluation conducted on  
September 16, 2009  
Facility Premise # 0149000130  
Madison County**

Dear Mrs. Schmitt:

On September 16, 2009, Luke Mountjoy of Ohio Environmental Protection Agency (EPA), Central District Office (CDO), Division of Air Pollution Control (DAPC) visited the CSW Farms facility in West Jefferson, Ohio. The purpose of the visit was to follow up on a complaint investigation.

Listed below are "Findings" based upon observation of emissions units at the facility, conversations with facility personnel, a review of specific record keeping maintained on site, specific process information, and reports and other documents submitted to Ohio EPA. The "Findings" are followed by "Violation(s)" (if applicable) and "Requested Action(s)" necessary to address stated findings and violations.

**Finding 1:**

The temperature chart recorders on both emissions unit (EU) N001 and N002 were found to be out of operation while the EU's were operating. Part II, Section C.5 for each EU identified in PTI 01-12104 states:

*"The permittee shall maintain a log to record the temperature of the secondary combustion chamber in degrees Fahrenheit. The temperature shall be recorded at the start of each combustion cycle (when charge is added to the chamber) and every thirty minutes until the combustion is*

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

*complete. The logbook shall be kept on site for a period of 5 years and shall be made available for inspection by Ohio EPA or its authorized representative upon request."*

CDO understands that the temperature chart recorders are utilized to demonstrate compliance with this requirement and that no other logs are kept; therefore, if the temperature chart recorders are not operating, the facility is not able to demonstrate compliance with this requirement.

**Finding 2:**

A review of the logbook revealed that the facility is not maintaining the records necessary to demonstrate compliance with the applicable charge rate limitations for each EU. Part II, Section C.6 for each EU identified in PTI 01-12104 states:

*"The permittee shall maintain a log to record the estimated weight and time of each cremation cycle. Alternatives to this log may be approved by the Director provided they demonstrate equivalent effectiveness as a method of regulating flow into the crematorium and generating permanent record of charging rates."*

The logbook presented during the inspection did not include the times of each cremation cycle. CDO acknowledges that the temperature chart recorders could be used to document the cremation cycle times, however, the temperature chart recorders were found to be out of operation.

**Finding 3:**

The facility is not performing the required, weekly visible emissions evaluations. Part II, Section C.1 for each EU identified in PTI 01-12104 states:

*"The permittee shall perform weekly checks, when the emissions unit is in operation and when the weather conditions allow, for any visible particulate emissions from the stack serving this emissions unit..."*

**Finding 4:**

CDO has determined that facility personnel have not been properly trained to operate the EUs with respect to the requirements of PTI 01-12104. Part II, Section B.8 for each EU identified in PTI 01-12104 states:

*"This incinerator shall be operated only by properly trained personnel. A copy of all of the training records for each operator shall be maintained on file as long as that operator is employed for that job and shall be immediately available to the Central District Office upon request."*

Discussions with facility personnel indicated that operators were not familiar with the requirements of PTI 01-12104. Personnel considered "properly" trained would be aware of the requirements of PTI 01-12104. Additionally, in order to satisfy this requirement, records should indicate that personnel have been trained (with respect to operating the equipment and with respect to the requirements of PTI 01-12104) prior to operating the EUs.

**Finding 5:**

The facility has not submitted any quarterly deviation reports since installation and start-up of the EUs. Part II, Section D.3 of PTI 01-12104 states:

*"The permittee shall submit deviation (excursion) reports which provide an identification of all hours of operation during which the charge rate exceeded the incinerator's design capacity, including the actual charge rates for all such hours."*

Part I, Section A.2.b of PTI 01-12104 states:

*"...If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during the quarter. The reports shall be submitted (i.e., postmarked) quarterly by January 31, April 30, July 31 and October 31 of each year and shall cover the previous calendar quarters..."*

As identified in Finding 2, the facility has not been keeping the records necessary to demonstrate compliance with the applicable charge rate limitations for each EU; therefore, CDO finds that the facility cannot adequately evaluate compliance with these limitations and cannot submit accurate quarterly reports.

**Finding 6:**

The facility has not submitted any semi-annual reports since installation and start-up of the EUs. Part II, Section D.4 of PTI 01-12104 states:

*"The permittee shall submit written reports that (a) identify all days during which any visible particulate emissions were observed from the stack serving this emissions unit and (b) describe any corrective actions taken to minimize or eliminate the visible particulate emissions. These reports shall be submitted to the CDO by January 31 and July 31 of each year and shall cover the previous 6-month periods."*

As identified in Finding 3, the facility is not performing the required, weekly visible emissions evaluations; therefore, CDO finds that the facility cannot submit accurate semi-annual reports.

Cynthia Schmitt  
CSW Farms  
Page -4-

**Violation:**

Findings 1 through 6 above are considered deviations of the terms and conditions of PTI 01-12104. Violation of the terms and conditions of a permit-to-install is also considered a violation of Ohio Revised Code (ORC) 3704.05(C) which states:

*"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*

**Requested Action:**

CDO requests that CSW Farms immediately begin keeping records and submitting reports in accordance with the requirements of PTI 01-12104.

Based on conversations with facility personnel, CDO understands that CSW Farms has considered accepting animals from laboratories. Be aware that incineration of these animals may subject the facility to the requirements identified in Ohio Administrative Code rule 3745-75 for Infectious Waste Incinerators, and that the terms and conditions of PTI 01-12104 specifically forbid the incineration of this type of waste. CDO strongly encourages the facility to initiate further discussion of this matter if the facility intends to pursue the incineration of animals from laboratories.

Please note that the Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the ORC. This letter or information submitted pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by Ohio EPA at a later date.

If you have any questions, please do not hesitate to contact Benjamin Halton of my staff at (614) 728-3809.

Sincerely,



John McGreevy  
Supervisor, Permits and Compliance  
Division of Air Pollution Control  
Central District Office

c: Ben Halton, DAPC/CDO  
Adam Ward, DAPC/CDO  
John Paulian, DAPC/CO