



State of Ohio Environmental Protection Agency

STREET ADDRESS:

**Central District Office**

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January 22, 2009

Mr. Jerry Bennet  
Production Manager  
Groveport Compost Facility  
6279 Houchard Road  
Dublin, OH, 43016

**Re: Notice of Violation  
Air Pollution Control Compliance Evaluation  
Groveport Composting Facility EPA ID 0125042428, 0125593107, 0125133100**

Dear Mr. Bennet:

Ohio EPA, Central District Office (CDO), Division of Air Pollution Control (DAPC), appreciates the courtesy and cooperation extended by you during the September 5, 2008 inspection of the Groveport Composting facility. The purpose of the inspection was to assure compliance with applicable permits including PTI 01-12137 (Peterson Grinder 6700) and PTI 01-12213 (Keestrack w/92 hp engine), as well as state and federal rules and regulations. The attached Emission Unit Evaluation Forms contain comments on individual emissions units; while inspection findings and any action items are summarized below.

### Findings

1. As discussed, Kurtz Brothers is required to submit an electronic synthetic minor fee emission report for Facility ID 0125042428 and 0125943107 using the Air Services portal, because a hard copy report was not submitted prior to June 6, 2008. The Division of Air Pollution Control mailed a Notice of Violation on October 1, 2008 with a deadline of November 1, 2008 for electronic submission of the 2007 fee report through Air Services at the E-business portal.
2. During the inspection, you provided a printed record of the monthly operating hours for fuel burning equipment during 2007 and the first half of 2008. Please continue to maintain the monthly operating hours for equipment operated at the Groveport facility.

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

3. During our discussion, you indicated that emissions units from the South High Street facility permit were relocated, including the Keestrack screener to the Groveport facility and the Star powerscreen to the northern Ohio region. Please submit a relocation notification that identifies the facility in northern Ohio to which the Star power screen was relocated. CDO may then input the relocation information into the STARS database for approval of the location for the portable emissions unit.
4. Ohio EPA staff observed and recorded opacity readings on the attached USEPA Method 9 forms of 2 operating units: the conveyor on the Keestrak Screener (P003) and the conveyor stacker during material handling of soils (F005). Although the 12-minute readings indicate that fugitive dust was generated, the resulting opacity did not exceed the allowable limitation of 20% opacity, as a 3-minute average.
5. Ohio EPA staff noted that the roads had been watered, with no visible emissions observed from paved roadways during the inspection. Please continue to observe and record on a daily basis the presence or absence of visible particulate emissions from the paved entrance road and other frequently traveled areas that are likely to be sources of dust during dry weather.
6. CDO received and processed the quarterly deviation report with a written notification dated November 17, 2008 from Brandon Smith requesting revocation of PTI 01-08572. CDO deactivated the corresponding emissions units in the STARS2 database.
7. Kurtz Brothers, however, failed to submit PTIO applications for operating emissions units within 30 days of initiating operation, which is a violation of the Ohio Administrative Code (OAC) rule 3745-35.

In addition, Kurtz Brothers failed to submit two semiannual written reports that identified any days during which visible particulate emissions were observed from operating emissions units during 2008.

### **Violation**

Kurtz Brothers violated Ohio Revised Code (ORC) 3704.05(c) by violating the terms and conditions of a permit-to-install (PTI). Be advised, ORC rule 3704.05(c) states:

*"No person who is a 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."*

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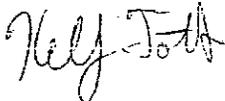
**Actions for Remedy**

Please submit a complete permit to operate (PTIO) application for each emissions unit operating at the Groveport Composting Facility within 30 days of receipt of this letter. Also, please submit semiannual reports for daily monitoring of visible emissions, as required by PTI 01-8572.

Please note that Ohio EPA has the authority to seek civil penalties as provided in the Ohio Revised Code (ORC) Section 3704.06. Submittal of the compliance plans, schedules, and reports does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC section 3704.06. The determination to pursue or decline such penalties in this case will be made by Ohio EPA at a later date.

If you have any questions concerning the issues addressed in this letter, you may contact John Kirwin at (614) 995-0673.

Sincerely,



Kelly Toth  
Environmental Supervisor  
Division of Air Pollution Control  
Central District Office

Enclosure: Facility Evaluation form

c: Adam Ward, Manager, DAPC/CDO  
John Kirwin, DAPC/CDO