



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

June 10, 2013

RE: **WEAVER'S COMPOST  
NOTICE OF VIOLATION**

Shawn Weaver  
6225 North Ridge West  
Ashtabula, OH 44004-8809

Dear Mr. Weaver:

On May 1, 2013, the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of the unregistered compost facility located at 6225 North Ridge West, Ashtabula, Ohio 44004. I, representing the Ohio EPA Division of Materials and Waste Management (DMWM), conducted the inspection. The purpose of the inspection was to determine compliance with the composting rules, as set forth in Chapter 3745-560 of the Ohio Administrative Code (OAC).

No one was present at the facility at the time of the inspection. However, Shawn Weaver was at 6442 New London Road, Ashtabula, later in the afternoon. When I addressed the issue that the violations cited below have not been addressed since he began accepting horse manure, he indicated that the paperwork was submitted to Ohio EPA to become a registered compost facility after the December inspection. However, Ohio EPA has no record of receiving the registration. Therefore, Ohio EPA determined that the owner/operator of the facility failed to comply with the following:

1. **OAC 3745-560-300(A)** states that *"[n]o person shall establish a class III composting facility without first submitting a registration application in accordance with this rule."*

The owner/operator failed to register the compost facility in accordance with this rule. Ohio EPA observed a large pile placed over an area of approximately two acres which consisted of vegetative material and horse manure. The owner/operator needs to prepare and submit a comprehensive application in accordance with OAC 3745-560-300. A complete application would have to include a plan view drawing and a financial assurance component.

2. **OAC 3745-560-04(A)** states, in part, that *"[an] owner or operator of a composting facility shall maintain a log of operations on forms prescribed by the director ..."*

The owner/operator failed to maintain daily logs on forms prescribed by the director. The owner/operator must complete the appropriate forms (i.e. material acceptance, material distribution, self-inspection, etc.) to comply with this rule. Furthermore, the owner/operator must comply with the recordkeeping requirements pursuant to OAC 3745-560-315.

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The owner/operator can access the rules and forms that pertain to operating a compost facility at <http://www.epa.ohio.gov/dmwm/Home/Composting.aspx>.

Please note that failure to obtain an appropriate composting registration or remove and properly dispose of the material on site would result in a violation of Ohio Revised Code (ORC) Section 3734.03 and OAC Rule 3745-27-05(C).

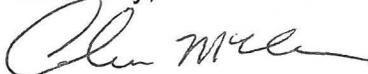
The owner/operator needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, the owner/operator is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [colum.mckenna@epa.ohio.gov](mailto:colum.mckenna@epa.ohio.gov).

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 owner/operator 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, please contact me by telephone at (330) 963-1268, or by e-mail at [colum.mckenna@epa.ohio.gov](mailto:colum.mckenna@epa.ohio.gov).

Sincerely,



Colum McKenna  
Environmental Specialist  
Division of Materials and Waste Management

CM/cl

cc: Ray Saporito, Ashtabula County Health Department  
File: [Singh/Ashtabula County/GEN/04]  
DMWM #4819