Ohio EPA
40 years and moving forward

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

August 13, 2013

Sharon Chaney
Chaney's Nursery
1610 McKaig Rd
Troy, Ohio 45373

RE: Chaney's Nursery, Miami County
Notice of Violation-Class IV Composting Facility Inspection

Dear Ms. Chaney,

On August 1, 2013, Betty Arthungal and I, representing Ohio EPA's Division of Materials and Waste Management (DMWM) met with you to conduct a comprehensive inspection at your registered Class IV Composting facility located at 1610 McKaig Rd, Troy, Ohio (Facility). Heath Chaney accompanied us to the compost area during the inspection. The purpose of this inspection was to determine the Facility's compliance with Ohio Revised Code (ORC) Chapter 3734, Ohio Administrative Code (OAC) Chapter 3745-560, and ORC 6111.

The following observations were made and discussed during this inspection:

1. Ponding was observed around the compost pile. See Figures 1 and 2. The owner or operator's failure to operate in a manner to divert surface water from material placement areas to avoid ponding of water is a violation of OAC Rules 3745-560-410(M)(1) through (3) which states:

   "The owner or operator shall do the following:

   (1) Control surface water runoff and runon, prevent ponding and erosion, and minimize the impact to surface water and ground water.
   (2) Manage surface water in accordance with Chapter 6111. of the Revised Code.
   (3) Divert surface water from the materials placement area. The land surface of the materials placement area shall be greater than, or equal to, one percent in slope and

Figure 1: Ponding around the compost pile

2. The Composting Facility Daily Logs of Operations were reviewed during the inspection. Daily log forms were determined to be incomplete since distribution volumes were not being r*ecorded on the form. The owner or operator's failure to maintain the daily logs on forms prescribed* by the Director is a violation of OAC Rule 3745-560-415(B) which states:

   "The owner or operator shall do the following:

   (1) Record the facility operations on the log of operation forms as specified in rule 3745-560-04 of the Administrative Code.
   (2) Complete the log of operation at a minimum once per week at an active composting facility and once per month at an inactive composting facility.
   (3) Complete the log of operation more often than weekly if conditions warrant a higher frequency of completion in order to effectively monitor operations at the composting facility, or when required by Ohio EPA or the approved health department."

   Please revise the daily log forms to include both incoming material and distribution of compost at the facility.

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please feel free to contact me at (937) 285-6046.

Sincerely,

Maria Lammers, R.S.

Maria Lammers, R.S.
Environmental Specialist II
Division of Materials and Waste Management

ML/tb