



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

August 12, 2013

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

**RE: BR Mulch, Miami County
Notice of Violation-Class IV Composting Facility Inspection**

Dear Mr. Replogle,

On August 1, 2013, I met with you to conduct a comprehensive inspection at your registered class IV composting facility located at 620 Ginghamburg Rd, Tipp City, Ohio (Facility). The purpose of this inspection was to determine the Facility's compliance status 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. Miscellaneous solid waste, including but not limited to, plastic bags, landscape fabric, food wrappers, a straw and a soda can were observed in the compost pile. (See Figure 1). The owner or operator's failure to avoid acceptance of solid wastes and allowing solid waste to be mixed with the composting piles is a violation of OAC Rules 3745-560-410(C)(1)(a) and OAC Rule 3745-560-410(C)(2), which states in part:

"The owner or operator shall not accept any prohibited material at the facility.

(C)(1) Prohibited material includes, but is not limited to, the following:

- (a) Any solid waste, feedstock, bulking agent, or additive other than those feedstocks, bulking agents, or additives authorized by paragraph (B) of this rule.

(C)(2) If prohibited material is detected, the owner or operator shall immediately do the following:

- (a) Remove the prohibited material from the materials placement area.
- (b) Manage the prohibited material in accordance with applicable laws and regulations.
- (c) Record incidents in the log of operations."

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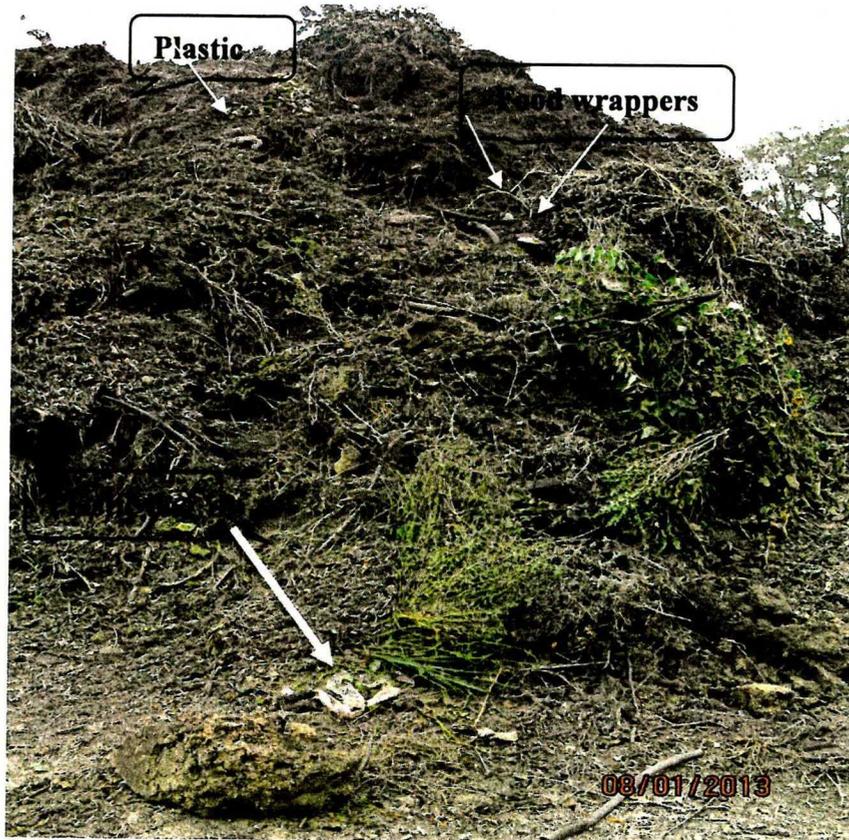


Figure 1: Miscellaneous solid wastes in compost pile

During this inspection, the owner did remove and properly dispose of the solid wastes in a trash can on-site thereby correcting the violation noted above.

Please continue to inspect incoming loads to prevent the acceptance of solid wastes when feedstocks are accepted at the Facility. Please remove any solid wastes that persist in the process. Additionally, the management and removal of prohibited materials should be recorded on Ohio EPA's prescribed Daily Log of Operations Form 4b and on Form 5 "Self Inspection Checklist" and properly disposed at a licensed municipal solid waste facility.

2. There were two areas of ponding around the compost pile located on the eastern side of the Facility however; Mr. Replogle indicated that the pile had been recently turned. Additionally, there was compost on and over the top of the grass berm surrounding the compost area. See Figures 2 and 3. 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 less than or equal to six percent in slope to direct surface water to collection points or otherwise control the surface water drainage.”

As discussed during the inspection, the compost material can be used to incorporate the ponded water back into the compost pile. Please correct the ponding and pull the compost off of the grass berm (surface water control structure) to avoid runoff of leachate into the pond and off the Facility boundary.



Figure 2: Ponding on side of compost pile

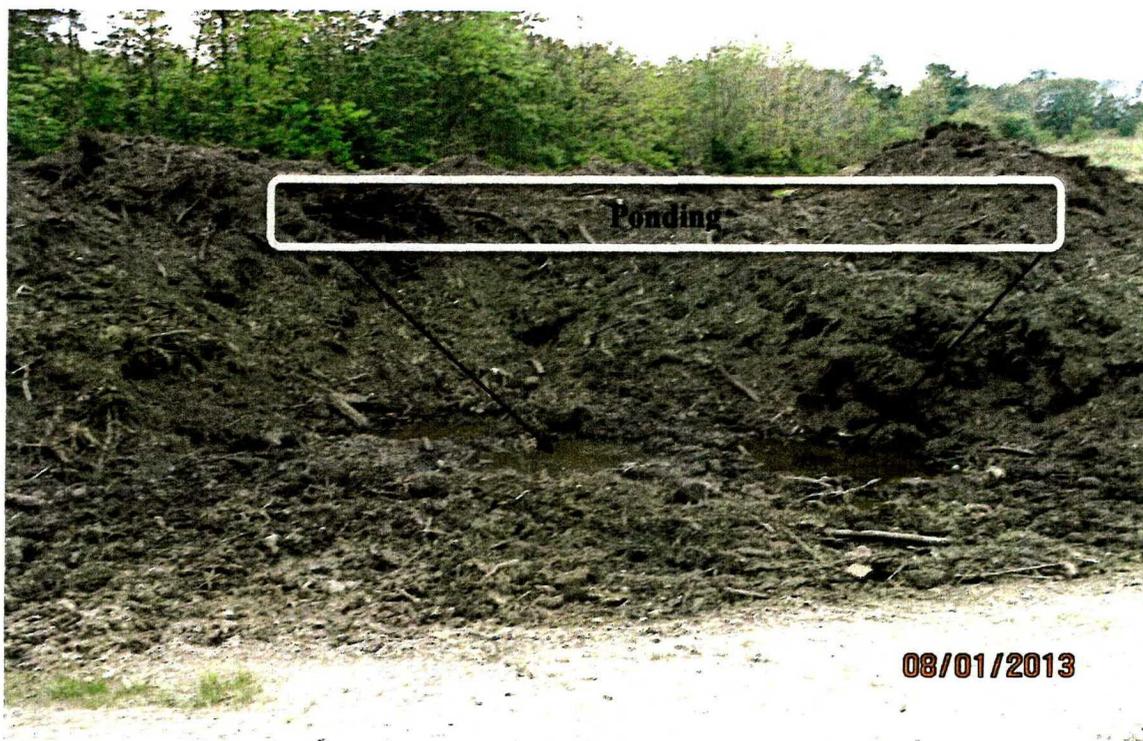


Figure 3: Ponding on the side of the compost pile

3. The Composting Facility Daily Logs of Operations were reviewed during the inspection. Form 2, Materials Acceptance and Distribution was determined to be incomplete since volumes were not being totaled at the bottom of the form and the signature of the person completing the forms had been left blank. The owner or operators failure to maintain their daily logs on forms prescribed by the director is a violation of OAC Rule 3745-560-415(B). Please revise accordingly.

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,

A handwritten signature in blue ink that reads "Maria Lammers, R.S.".

Maria Lammers, R.S.

Environmental Specialist II

Division of Materials and Waste Management

ML/tb