



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

August 28, 2013

CERTIFIED MAIL

Mr. Marvin Duren
Marvin's Organic Gardens
2055 State Route 42 South
Lebanon, Ohio 45036

**RE: Marvin's Organic Gardens, Warren County
Class 2 Composting Facility
Complaint Inspection / Comprehensive Inspection
Notice of Violation**

Dear Mr. Duren,

On August 15, 2013, I visited your licensed Class II Composting Facility located at 3268 State Route 42 South, Lebanon, Ohio (Facility). During the inspection, I was accompanied by Tracy Buchanan of Ohio EPA. The purpose of the visit was to investigate a complaint regarding odors associated with operations at the Facility that were impacting the surrounding neighbors and to conduct the quarterly inspection to determine the owner/operator's compliance Ohio's composting requirements.

The following observations were made during my August 15, 2013 inspection:

1. Miscellaneous solid waste was observed in compost pile number three (3).

The owner/operators failure to avoid acceptance of solid waste and allowing solid waste to be mixed with the composting windrow is a violation of Ohio Administrative Code (OAC) Rules 3745-560-210(C)(1)(a) and Ohio Administrative Code (OAC) Rule 3745-560-210(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.”*

The owner/operator must take **immediate** steps to prevent the acceptance of solid wastes when feedstocks are accepted at the Facility. Remove any solid wastes that are observed. Additionally, the management and removal of prohibited materials should be recorded on Ohio EPA's prescribed Daily Log of Operations Form 4b "Self Inspection Checklist" and on Form 5 "Unauthorized Materials" and properly disposed at a licensed municipal solid waste facility. Receipts of waste disposal must be maintained for proof of proper disposal.



Figure #1

2. There are compostable containers (ie. large bags containing tea and compostable trays) and compostable flatware that were not shredded or otherwise processed prior to incorporating them into the compost windrows. The owner/operator's failure to manage the containers properly is a violation of **OAC Rule 3745-560-210(G)**, which states:

"Compostable containers shall be shredded or otherwise processed to increase the exposed surface area for composting prior to incorporation into the composting process."

It should be noted that during the June 3, 2013 inspection, you told Ohio EPA you were no longer accepting compostable bags, containers and flatware. Marvin's Organic Gardens must inspect all compost piles for materials that were not properly shredded and dispose of those materials as solid waste. As piles are turned or moved, any of the aforementioned items uncovered must be removed and disposed.



Figure #2

3. The Facility was not utilizing the minimum six (6) inches of biofilter cover as food waste is still visible in the compost piles. The owner/operator's failure to properly manage food scraps remains a violation of **OAC Rule 3745-560-210(P)(2)**.

OAC Rule 3745-560-210(P)(2), Food scraps management, states;

"The owner or operator shall maintain a stockpile of biofilter material to provide, at a minimum, a six inch cover to piles containing food scraps and apply a biofilter cover consisting of, at a minimum, six inches on the piles if odors, dust,

or vectors are present or upon written request by Ohio EPA or the approved board of health.”

Ohio EPA requires that all food scraps be covered with the minimum six inches of biofilter cover each day, as specified in the license application, by the close of business on the date of receipt to prevent odors, vectors and litter.



Figure #3

It should be noted that the aeration system in each leachate collection pond was operational and that the odors previously observed while at your facility have been greatly reduced.

The owner or operator's failure to comply with all applicable laws and regulations is a very serious matter. Continued lack of response and cooperation could result in an escalated enforcement action.

Please respond in writing within fourteen (14) days of receipt of this correspondence regarding your remedy, work plan and implementation schedule in regards to the aforementioned violations.

Marvin's Organic Gardens – Notice of Violation

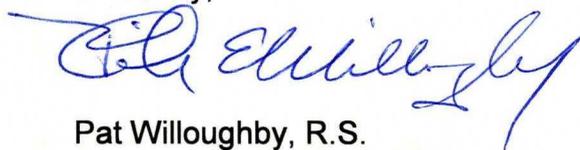
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Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal 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.

Should you require any technical or regulatory assistance, please feel free to contact me at (937) 285-6648.

Sincerely,



Pat Willoughby, R.S.

Environmental Specialist II

Division of Materials and Waste Management

PW/tb

ec: Mike Yetter, Warren County Zoning Department



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

September 26, 2013

Mr. Marvin Duren
Marvin's Organic Gardens
2055 State Route 42 South
Lebanon, OH 45036

Dear Mr. Duren:

On August 28, 2013, Pat Willoughby sent you a notice of violation via certified mail. This certified letter was returned to the Ohio EPA Southwest District Office marked "Unclaimed."

Please find enclosed the original letter addressed to you and dated August 28, 2013.

If you have any questions, please feel free to contact Pat Willoughby at (937) 285-6648.

Sincerely,

Tana Flickinger
Administrative Professional