

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

March 29, 2010

### CERTIFIED MAIL

Mr. Timothy Kasmoch  
CEO/President  
N-Viro International Corporation  
3450 West Central Avenue  
Suite No. 328  
Toledo, Ohio 43606

Re: Notice of Violation

Dear Mr. Kasmoch:

Enclosed, please find a "Notice of Violation" for N-Viro International Corporation (Ohio EPA Facility ID 0448011569 Emissions Unit F001). Please review this document carefully as some action is required on your part.

If you have any questions, please feel free to contact me at 419-936-3938.

Sincerely,

A handwritten signature in black ink that reads "Matthew A. Stanfield".

Matthew A. Stanfield  
Staff Professional Engineer

Enclosure

cc: Tim Murphy  
Karen Granata  
Joyce Anagnos  
John Paulian, OEPA  
Lisa Holscher, USEPA Region 5

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Timothy D. Murphy, Commissioner  
DIVISION OF ENVIRONMENTAL SERVICES  
Quilter Environmental Center  
348 South Erie Street, Toledo, Ohio 43604-8633 USA

Telephone: 419-936-3015 Fax: 419-936-3959 E-mail: tim.murphy@toledo.oh.gov

**NOTICE OF VIOLATION**

March 29, 2010

The City of Toledo Division of Environmental Services hereby serves notice that:

N-Viro International  
3900 North Summit Street  
Toledo, Ohio 43611

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

Dates of Violation(s)

March 19, 2010

Regulation(s) violated

OAC rule 3745-17-08(B)(6)

Description of Source(s) and Violations(s)

Division of Environmental Services personnel responded to a citizen complaint regarding visible emissions of fugitive dust. Visible emissions of fugitive dust due to wind erosion were observed by Division of Environmental Services personnel at the paved areas where piles of N-Viro material were previously handled. Visible emissions of fugitive dust were recorded for 22 minutes in a 40-minute observation period.

The above violation(s) may subject the violator to penalties of up to \$25,000 per violation. It is possible that a penalty may be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

Required Actions

Within 2 weeks of receipt of this Notice of Violation, you shall:

1. Abate the violation(s) or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
  - a. description(s) and date(s) of action(s) taken thus far to abate the violation(s).
  - b. description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).
  - c. description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s). Your written response and any questions regarding this Notice of Violation should be directed to Matthew A. Stanfield at the Division of Environmental Services, 348 South Erie Street, Toledo, Ohio 43604.

The submission of the above requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code § 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.