

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

October 27, 2009

### CERTIFIED MAIL

N-Viro International Corporation  
Attn: Mr. Timothy Kasmoch  
3450 West Central Avenue  
Suite #328  
Toledo, OH 43606

### **Re: Notice of Violation**

Dear Mr. Kasmoch:

Enclosed is a **Notice of Violation** for N-Viro International Corporation (Ohio EPA Facility ID 0448011569 Emission Units F001 and P001) for non-compliance with the Ohio Revised Code 3704.05 regarding violation of permit terms or conditions and the Ohio Administrative Code 3745-17 regarding use of reasonably available control measures to prevent fugitive dust emissions. Please review this document carefully as some action, including a written response, is required on your part.

If you have any questions regarding this matter, feel free to contact me at (419) 936-3751.

From Toledo – an International Award Winning City!

A handwritten signature in cursive script that reads "Marilyn DuFour".

Marilyn DuFour  
Environmental Specialist

### Enclosure

cc: Lisa Holscher, U.S. EPA, Region V  
John Paulian, Ohio EPA  
Timothy Murphy, Commissioner, Toledo Environmental Services  
Karen Granata, Chief, Air Resources  
Matthew Stanfield, Staff Professional Engineer

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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**

October 27, 2009

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

N-Viro International Corporation  
Premise No. 0448011569, Emission Units F001, P001  
3900 North Summit Street  
Toledo, Ohio 43611

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

<u>Regulations Violated</u>	<u>Description and Dates of Violations</u>
OAC rule 3745-17-07(B)(6) (B) Visible particulate emission limitations for fugitive dust: (6) Except as provided in paragraphs (B)(7) to (B)(11) of this rule, there shall be no visible particulate emissions from any material storage pile except for a period of time not to exceed thirteen minutes during any sixty-minute observation period, as determined in accordance with paragraph (B)(4) of rule 3745-17-03 of the Administrative Code.	On October 22, 2009, a total of 15 minutes and 24 seconds of visible emissions was observed over a period of 40 minutes from the concrete pad behind the sludge processing building during loading operations.
ORC 3704.05 (C) (C) No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions.	Permit to Install 04-503 requires that the doors be closed on the leeward side of the building on days when the wind exceeds 15 miles per hour. On October 22, 2009, the wind exceeded 15 miles per hour and twelve doors on the leeward side remained open.
OAC rule 3745-17-08(B) (B) No person shall cause or permit any fugitive dust source to be operated; or any materials to be handled, transported, or stored; or a building or its appurtenances or a road to be used, constructed, altered, repaired, or demolished without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne.	On October 22, 2009, excessive visible emissions of fugitive dust were observed being generated by load-out operations, front-end loader traffic and wind erosion of particulate from the concrete pad behind the sludge processing building. Reasonably available control measures were not being taken to prevent fugitive dust from becoming airborne.

The above violation(s) may subject the violator to **penalties** of up to \$25,000 per violation. It is possible that a penalty will 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 14 days 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 Marilyn DuFour, City of Toledo Division of Environmental Services, 348 S. 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.

