

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

October 14, 2010

**RE: NOTICE OF VIOLATION
COMPREHENSIVE INSPECTION
ELKRUN INDUSTRIES C&DD
LANDFILL**

CERTIFIED MAIL

Mr. Raymond R. Crawford
Elkrun Industries, Inc.
9676 State Route 7
Rogers, Ohio 44455

Dear Mr. Crawford:

On September 29, 2010, I, representing the Ohio Environmental Protection Agency, conducted a comprehensive inspection of the Elkrun Industries, Inc. C&DD Landfill (Elkrun), located at 9676 State Route 7 in Elkrun Township, Columbiana County. Weather conditions on this occasion were mostly sunny with a temperature of approximately 55° F. I was accompanied by Steve Sinsely during a portion of the inspection, and I met with Mary Beth Jackson following the inspection.

The purpose of the inspection was to determine compliance with Ohio Revised Code (ORC) Sections 3714. and 3734., and Ohio Administrative Code (OAC) Chapters 3745-400 and 3745-27.

The following violations were observed during this inspection:

1. **Unloading Zone:** During this inspection the limits of the facility unloading zone were not clearly marked. Two markers were observed that designated the beginning of the unloading zone, however, the end of the unloading zone which must be maintained separate from the working face was not marked.

Elkrun is in violation because it failed to clearly mark the limits of the unloading zone in a manner that maintained separation from the working face. The failure to clearly mark the limits of the unloading zone in a matter that maintained separation from the working face is a violation of the following:

- A. **OAC Rule 3745-400-11(E)(3)(a):** *"The owner or operator shall unload debris in clearly designated and marked unloading zones separate from the working face."*
- B. **OAC Rule 3745-400-11(E)(3)(b):** *"The owner or operator shall clearly mark the limits of the unloading zone with at least two temporary markers."*

In order to return to compliance with all applicable laws and rules, the owner or operator of Elkrun must immediately clearly mark the unloading zone with sufficient markers to designate where the unloading zone begins and ends while maintaining separation from the working face.

2. **Failure to Control Mosquitoes:** Elkrun is currently storing approximately 500-1,000 scrap tires which were removed from incoming loads of debris at the facility. Some of the tires have a blue plastic tarp placed over them. Some of the tires are stored untarped. The tarp has blown off tires that had previously been tarped. Rain water has accumulated in many of the tires stored at this facility. Ohio EPA observed live mosquito larvae in the scrap tires which are currently being stored uncovered and on the ground in an area adjacent to the Active Licensed Disposal Area. Ohio EPA did not observe adult mosquitoes emerging from scrap tires being stored at the facility during this inspection.

Elkrun is in violation because it has failed to control the breeding of mosquitoes in the scrap tires currently being stored at the facility. The failure to control the breeding of mosquitoes in the scrap tires currently being stored at the facility is a violation of the following:

- A. **OAC Rule 3745-27-60(C):** *"Anyone storing scrap tires shall maintain mosquito control as follows:*
 - (1) *One or more of the following shall be done to control mosquitoes:*
 - (a) *Remove liquids from scrap tires within twenty-four hours of accepting the scrap tires.*
 - (b) *Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times.*
 - (c) *Within twenty-four hours of accepting scrap tires containing liquid, arrange for the application of a pesticide or larvicide, which is registered for use as mosquito control by the Ohio department of agriculture.*
 - (2) *Maintain mosquito control by keeping all tires dry or by continuing applications of a pesticide or larvicide to all scrap tires stored outdoors at no greater than thirty-day intervals or as recommended by the manufacturer or formulator.*

- (3) *Maintain mosquito control records at the premises indicating the name, type, and amount used per tire, and EPA registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the pesticide or larvicide. The property owner of the owner or operator of the premises shall make the mosquito control records available for inspection by the director or the health commissioner during normal operating hours. The owner or operator shall retain copies of mosquito control records for a minimum period of three years.*

In order to return to compliance with all applicable scrap tire laws and rules, the owner or operator of Elkrun must immediately remove all scrap tires from the facility and transport them via a scrap tire transporter which is registered with the State of Ohio, to a scrap tire disposal facility which is authorized by the State of Ohio. The following link provides a list of registered scrap tire transporters in Ohio: http://www.epa.ohio.gov/portals/34/document/facility_lists/scrap_tire_transporters.pdf.

In accordance with OAC Rule 3745-27-60(D), if upon inspection and written notification, Ohio EPA or the approved health district discover the existence of either one or both of the following:

1. Mosquitoes at the premises, the owner or operator shall apply within twenty-four hours or the next business day an adulticide which is registered for use for mosquito control by the Ohio Department of Agriculture. The application shall be according to the manufacturer's or formulator's recommendations. Records shall be kept at the premises indicating the trade name of the adulticide, the date and time of the application, and the name of the person who applied the adulticide.
2. Mosquito larvae at the premises, the owner or operator shall apply within twenty-four hours or the next business day a larvicide which is registered for use for mosquito control by the Ohio Department of Agriculture. The application shall be according to the manufacturer's or formulator's recommendations. Records shall be kept at the premises indicating the trade name of the larvicide, the date and time of the application, and the name of the person who applied the larvicide.

As documented earlier in this letter, mosquito larvae were discovered in scrap tires stored at the facility during this inspection. Elkrun must comply with OAC Rule 3745-27-60(D) in order to control mosquitoes.

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Please provide written documentation to me within 7 days of receiving this letter which documents how the violations listed above have been corrected, and what measures will be implemented in the future to prevent any such recurrence of these violations. Please submit disposal receipts for all scrap tires which have been removed from the facility, as well as documentation showing who transported the scrap tires from this property to my attention.

Upon completing my inspection of the facility, it was determined that the scrap tires stored outside at this facility constitute a nuisance and a hazard to public health and safety. Failure to correct the above violation immediately will result in escalated enforcement action being taken against Elkrun by Ohio EPA.

In addition to the above violations, the following observations were made during this inspection:

1. A very small volume of prohibited solid wastes were observed disposed in the working face during the inspection. The prohibited solid wastes were removed during the inspection, and the volume of solid wastes removed did not exceed the regulatory limit established by statute to determine when a violation exists.
2. The C&DD rules require the owner or operator of a facility to place and maintain markers defining the limits of the active licensed disposal area. Markers defining the limits of Elkrun's active licensed disposal area were not observed during this inspection. Markers defining the limits of the facility's active licensed disposal area must be placed in appropriate locations immediately.
3. The following observations related to compliance with surface water regulations were observed during this inspection:
 - The facility's leachate collection tanks are currently located in surface water diversion ditches.
 - Surface water collection ditches do not exist in many areas at the base of emplaced wastes.
 - The facility operator could not produce the facility surface water pollution prevention plan as requested during the inspection.

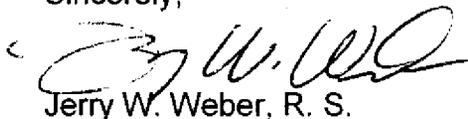
The observations documented in number 3, above, appear to be violations of surface water regulations. I have consulted the Division of Surface water for confirmation. If it is determined that these observations do indeed constitute violations, you will be notified of such under separate letterhead.

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Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator of Elkrun, or others, from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1274, or e-mail me at "jerry.weber@epa.state.oh.us."

Sincerely,



Jerry W. Weber, R. S.
Environmental Specialist
Division of Solid and Infectious Waste Management

JWW:cl

cc: File: [Kurko/CONS/Elkrun Industries/COR/15]

ec: Joe Trocchio, DSW-NEDO
Lori Barnes, Columbiana County Health Department

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Mr. Raymond R. Crawford

Sent To: **Elkrun Industries, Inc.**
 Street, Apt. No., or PO Box No.: **9676 State Route 7**
 City, State, ZIP+4: **Rogers, Ohio 44455**

PS Form 3811, February 2004 See Reverse for Instructions

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