



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

March 30, 2007

RE: **COMPREHENSIVE INSPECTION
ELKRUN INDUSTRIES C&DD LANDFILL**

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

Dear Mr. Crawford:

A comprehensive inspection of the Elkrun Industries, Inc. C&DD Landfill (Elkrun), located at 9676 State Route 7 in Elkrun Township, Columbiana County, was conducted on the following dates:

- On March 16, 2007, Jerry Weber, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of the facility's daily logs and records, and the facility access road. Weather conditions on this occasion were windy with some snow, and a temperature of approximately 30° F. Chastity Smith, representing Elkrun, provided Ohio EPA access to facility records during this inspection.
- On March 22, 2007, Katharina Snyder and Scott Winkler, representing Ohio EPA, conducted an inspection of the facility's unloading zone and working face. Weather conditions on this occasion were windy with intermittent rain showers, and a temperature of approximately 65° F. Mary Beth Jackson, representing Elkrun, was present at the facility during the inspection. Shane, representing Elkrun, accompanied Ohio EPA during this 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 identified during the inspection:

1. **Solid Waste Disposal:** During the March 22, 2007, inspection prohibited waste was observed disposed at this facility. Prohibited solid waste disposed in an area next to the facility working face, measuring approximately 200 feet by 400 feet, included, but was not limited to the following: articles of clothing, nine beverage containers, an empty detergent bottle, papers, toys, a basketball, a mattress or sofa, and furniture pillows. Disposed solid wastes were also observed in the working face, including the same types of prohibited solid waste.

Elkrun is in violation because it was allowing the disposal of solid waste in its facility. The above referenced solid wastes were observed disposed both in the facility's working face, and in an area adjacent to the facility working face, where disposal had occurred

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on a previous day or days. The owner or operator is not making sufficient effort to remove all prohibited wastes in the facility unloading zone. Elkrun's disposal of solid waste at its C&DD facility is a violation of the following:

- **ORC Section 3714.021(B):** *"The owner or operator of a construction and demolition debris facility that is licensed under this chapter shall attempt to remove all solid wastes from construction and demolition debris prior to the disposal of the construction and demolition debris on the working face of the facility. Except as otherwise provided in this division, the existence of solid wastes on the working face of a construction and demolition debris facility does not constitute a violation of this chapter and rules adopted under it if both of the following apply: (1) The wastes constitute not more than two cubic yards per one thousand cubic yards of construction and demolition debris or four cubic yards per one thousand tons of construction and demolition debris disposed of at the facility on the preceding full business day as determined by using the amount of disposal fees collected under section 3714.07 of the Revised Code for wastes disposed of at the facility on that preceding full business day. (2) The owner or operator or the employees of the facility remove the solid wastes from the working face of the facility."*
- **OAC Rule 3745-400-11(F):** *"The owner or operator shall dispose of only construction and demolition debris as defined in rule 3745-400-01 of the Administrative Code, except as specified in this rule."*

For the purpose of this rule, OAC 3745-400-01 states, *"'Construction and demolition debris' or 'debris' means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. 'Construction and demolition debris' does not include materials identified as solid wastes, infectious wastes, or hazardous wastes pursuant to Chapter 3734. of the Revised Code and rules adopted under it..."*

- **OAC Rule 3745-400-11(F)(2):** *"The owner or operator of a facility shall not dispose of any solid wastes except as follows:*
 - (a) *Packaging which results from the use of construction materials may be disposed if it is incidental to the load.*
 - (b) *Tree stumps, trunks and clean branches exceeding 4 inches in diameter may be disposed...*
 - (a) *Asbestos materials subject to NESHAP, 40 CFR Part 61, Subpart M, may be disposed of only if the necessary air pollution permits have been issued.*

- **OAC Rule 3745-400-11(F)(3)**: *"The owner or operator shall deposit incoming loads of debris at a designated unloading zone where debris shall be inspected and all prohibited wastes shall be removed..."*
- **ORC Section 3734.03**: *"No person shall dispose of solid wastes by open burning or open dumping...No person shall dispose of treated or untreated infectious wastes by open burning or open dumping."*
- **OAC Rule 3745-27-05(C)**: *"No person shall conduct, permit, or allow open dumping."*

In order to return to compliance with all applicable laws and rules, the owner or operator must remove all prohibited solid waste from this facility and dispose of it in a licensed solid waste disposal facility. During the inspection, facility personnel were removing prohibited solid waste from the working face, however, by virtue of the fact that these wastes were present in areas outside the facility working face, it indicates that insufficient effort is being made to remove prohibited solid wastes in the facility unloading zone. In order to prevent a similar violation in the future, the owner or operator of Elkrun must remove all prohibited solid waste in the facility unloading zone, or make a determination that incoming loads of waste contain too much solid waste to be removed, and reject such loads.

2. **Weekly Cover.** During the March 22, 2007, inspection, portions of the landfill where debris had not been placed for over one week contained exposed debris. The owner or operator confirmed that debris had not been placed in those areas within the last week. The owner or operator was informed that no additional debris could be disposed, or weekly cover applied, until all solid waste was removed from the current working face and the previous working face area.

Elkrun is in violation because it failed to cover all disposed combustible debris on a weekly basis. Failure to cover all disposed combustible debris on a weekly basis is a violation of the following:

- a. **OAC Rule 3745-400-11(H)(1)**: *"The owner or operator shall operate the facility in a manner that prevents fires by doing one of the following...Covering all disposed combustible debris on a weekly basis with soil, clean hard fill, or other material which is noncombustible. For the purposes of this rule, covering means to apply noncombustible material in a manner that combustible debris is not visible."*

In order to return to compliance with all applicable laws and rules, the owner or operator must cover all disposed combustible debris on a weekly basis with soil.

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The following observations were made during this inspection:

March 16, 2007

1. A very small amount of drag out of mud from the facility onto State Route 7 was observed.
2. No odors were detected coming from the landfill.

March 22, 2007

1. The working face measured approximately 100 feet by 150 feet.
2. The unloading zone was marked by two orange cones.

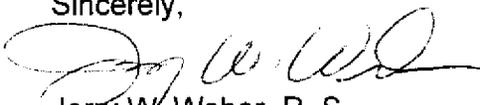
The owner or operator of Elkrun must immediately take all necessary measures to return to compliance with Ohio's solid waste and C&DD laws and rules. Please provide written notification to me within 15 days of receiving this letter which documents how the violations listed above have been corrected, and what measures will be implemented in the future to prevent any such recurrence of these violations.

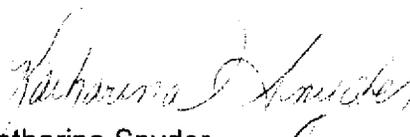
Failure to correct the above violations and operate this facility in accordance with all applicable state laws and rules could result in escalated enforcement action being taken against the owner or operator of this facility by Ohio EPA.

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 preferably, 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


Katharina Snyder
Environmental Specialist
Division of Solid and Infectious
Waste Management

JWW:cj

cc: Robert Morehead, Columbiana County Health Department
File: [Tukel/CONS/Elkrun Industries/COR/15]