



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

June 15, 2007

RE: CITY OF ELYRIA/GARDEN STREET
LANDFILL CLASS IV COMPOST FACILITY
LORAIN COUNTY
NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Jim Hutchson
City of Elyria
328 Broad Street
Elyria, Ohio 44035

Mr. Brian Madden
Madden Bros., Inc.
66 Pearl Rd.
Brunswick, Ohio 44212

Dear Gentlemen:

On June 13, 2007, the Division of Solid and Infectious Waste Management (DSIWM), Ohio EPA conducted a site inspection of the Class IV Composting Facility located at the closed Garden Street Landfill located in Elyria, Lorain County. No one representing the facility was present during the inspection.

During the site inspection, it was noted that there was a large area of solid waste that was placed on the ground. Additionally, large leachate ponds were observed at several areas of the compost facility. Photographs taken during the inspection are included with this letter.

During the inspection, Ohio EPA observed the following violations of the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC):

- 1. Ohio Revised Code (ORC) 3734.03:** *"No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection..."*

The owner or operator of this facility violated this rule by disposing of solid waste by open dumping. The material placed on the ground consisted of construction and demolition debris and clean hard fill commingled with solid waste and therefore all the waste is considered solid waste. The waste must be removed and disposed of at an approved solid waste disposal facility.

Solid waste found at the site include: carpet, plastic bags, cloth material, plastic lids, books, pulverized C&DD, fencing, paper, plastic bottles, netting, wrapping paper, etc... Please see enclosed photos.

2. **Ohio Administrative Code (OAC) 3745-27-05(C)**: *"No person shall conduct, permit, or allow open dumping."*

The owner or operator of this facility violated this rule by disposing of solid waste by open dumping. The material placed on the ground (construction and demolition debris and clean hard fill commingled with solid waste) is considered solid waste and therefore, the activity conducted at the facility is considered open dumping. Please see enclosed photos.

3. **Ohio Administrative Code (OAC) 3745-27-45(H)(3)(b)**: *"Take action to minimize the production of leachate and control, or eliminate, ponding of leachate..."*

The owner or operator of this facility violated this rule by not minimizing the production and not eliminating the leachate at the site. Several large areas of ponded leachate were observed at the facility (see attached photos).

4. **Ohio Administrative Code (OAC) 3745-27-45(C)(2)**: *"All reasonable measures shall be employed to prevent acceptance of prohibited material at the facility. If prohibited material is detected:*

- (a) All reasonable measures shall be employed to control and remove the prohibited material from the materials placement area...*
- (c) ...the owner or operator shall refuse the acceptance of the prohibited material.*
- (d) The owner or operator shall properly manage the prohibited material in accordance with all applicable laws and regulations.*

The owner or operator of this facility violated this rule by not preventing acceptance of prohibited material at the facility, did not control and remove the prohibited material, did not refuse acceptance of the prohibited material and did not properly manage the prohibited material.

Ohio EPA observed the following violations of the Ohio Administrative Code (OAC) Rule 3745-27-13 ("Rule 13") Authorization issued by Ohio EPA on January 15, 2004 to operate a class IV composting facility within the limits of waste placement of the closed Garden Street Landfill.

5. **Condition #1 of the Authorization** states that *"All on-site activities shall be accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection including, but not limited to, the control of air pollution, leachate, surface water run-on and run-off, and protection of ground water."*

On-site activities were not in compliance with state and federal laws and regulations pertaining to the control of leachate. Several large areas of ponded leachate were observed at the facility (see attached photos).

6. **Condition #3 of the Authorization** states that *"Any solid waste that is encountered during the activities on the site shall be transported to a licensed solid waste facility for disposal."* The owner or operator is in violation of this condition due to the presence of a large quantity of solid waste at the property. The material placed on the ground (construction and demolition debris and clean hard fill commingled with solid waste) must be transported to an approved solid waste facility for disposal. Copies of the receipts of acceptance of the waste from the approved solid waste facility must be forwarded to this office.
7. **Condition #4 of the Authorization** states that *"Drainage must be controlled to prevent any ponding or leachate run-off from the site; and surface water drainage must be diverted away from material placement areas."*

The owner or operator is in violation of Condition #4 due to the presence of ponds of leachate near the material placement areas. Additionally, large ponds of leachate are located at the northeastern portion of the composting area (see attached photos).

8. **Condition #5 of the Authorization** states that *"Any leachate produced on site shall be contained for reintroduction into the composting process or transported and discharged to an approved treatment facility."*

The owner or operator is in violation of Condition #5 because the leachate generated has not been contained for reintroduction into the composting process nor has the leachate been transported and discharged to an approved treatment facility. Leachate has been accumulating at the site and not being removed from the composting area.

Mr. Jim Hutchson, City of Elyria
Mr. Brian Madden, Madden Bros., Inc.
June 15, 2007
Page 4

9. **Condition #7 of the Authorization** states that *"This approval grants authorization to conduct construction and composting activities at the Garden Street Landfill in accordance with the October 16, 2003, November 7, 2003 and November 18, 2003 submittals only. All activities must be conducted in strict accordance with the plans, specifications, and information submitted as part of the request. There may be no deviation from the approved plans without the express, written approval of the Ohio Environmental Protection Agency (Ohio EPA). Any future activities on the facility may require additional Ohio EPA approval."*

The owner or operator is in violation of Condition #7 because activities at the facility were not conducted in strict accordance with the plans, specifications, and information submitted as part of the request. The owner or operator has deviated from the approved plans by allowing the presence of solid waste at the site and the accumulation of leachate at the site.

Please correct the above violations immediately, and notify me, in writing by June 28, 2007, that these violations have been corrected.

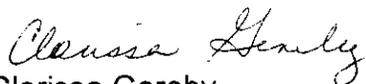
Previous Notices of Violation (NOV) have been issued to the Elyria City Landfill Class IV Composting Facility located at the closed Garden Street Landfill for violations related to leachate and open dumping (June 10, 2004 NOV for leachate violations, March 23, 2006 NOV for leachate and open dumping violations). In addition, NOVs have been issued to the facility related to breaching of the landfill cap and discharge of leachate to surface waters (July 25, 2005). At this time Ohio EPA is considering its enforcement options against the facility. Failure to conduct operations in accordance with all authorizing documents and all applicable laws and regulations may result in escalated enforcement action taken against the owner or operator of this facility by Ohio EPA and/or the Elyria City Health Department.

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 entity from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act or the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

Mr. Jim Hutchson, City of Elyria
Mr. Brian Madden, Madden Bros., Inc.
June 15, 2007
Page 5

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1224.

Sincerely,


Clarissa Gereby
Environmental Scientist
Division of Solid and Infectious Waste Management

CG:cl
Attachments

cc: William M. Grace, Mayor, City of Elyria
David Oakes, Elyria City Health Department
File: [Tukel/COMP/Lorain County/CORR/47]

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PS Form 3800, June 2002 See Reverse for Instructions

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1. Article Addressed to:
Mr. Jim Hutchson
City of Elyria
328 Broad Street
Elyria, Ohio 44035

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