



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 31, 2008

RE: **NOTICE OF VIOLATION  
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 March 14, 2008, I, representing the Ohio Environmental Protection Agency, conducted a partial 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 cloudy with light drizzle and a temperature of approximately 45° F. I met with Chastity Smith, representing Elkrun, 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 only portion of the landfill that was inspected on this occasion was the southern outside slope of the facility. The following violations were identified during the inspection:

1. **Weekly Cover:** During this inspection a large area on the southern outside slope of the facility contained uncovered debris. The debris was reportedly uncovered for an extended period of time, and at a minimum since March 6, 2008, the date of my last inspection.

Elkrun is in violation because it has failed to cover and maintain cover over all combustible debris disposed within the landfill on a weekly basis, Elkrun's failure to cover all combustible debris at its C&DD facility 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...covering all disposed combustible debris on a weekly basis with soil, clean hard fill, or other material which is noncombustible. For the purpose of this rule, covering means to apply noncombustible material in a manner such that combustible debris is not visible."*

Mr. Raymond R. Crawford  
Elkrun Industries, Inc.  
March 31, 2008  
Page 2

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

2. **Surface Water and Leachate.** During this inspection a large area on the southern outside slope of the facility contained uncovered debris. The debris was reportedly uncovered for an extended period of time, and at a minimum since March 6, 2008, the date of my last inspection. As a result the owner or operator of the facility has failed to control non-storm water discharges from the facility. All precipitation that had come into contact with the uncovered debris is considered leachate, and the leachate draining from this area has run off the active licensed disposal area and either into the sedimentation pond to the south of the landfill, or off the facility.

Elkrun is in violation because it failed to control non-storm water discharges, or leachate, from the facility. Elkrun's failure to control non-storm water discharges and leachate running from facility is a violation of the following:

- a. OAC Rule 3745-400-11(B)(16): *"The owner or operator shall not cause water pollution."*
- b. OAC Rule 3745-400-11(O)(1) and (2): *"...the owner or operator shall...contain the leachate...and...manage and dispose of leachate in accordance with applicable regulations."*

In order to return to compliance with all applicable laws and rules, the owner or operator must cover all exposed debris on exterior slopes to prevent precipitation from contacting it and control all non-storm water discharges.

Please provide written notification to me within 15 days of receiving this letter which documents how the violations listed above have been corrected, and at this point, as importantly, what measures have been implemented to prevent any such recurrence of these violations.

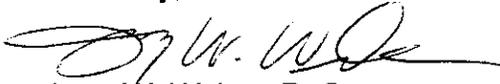
Failure to correct the above violations and operate this facility in accordance with all applicable state laws and rules could result in escalated enforcement action being taken against the owner or operator of this facility by Ohio EPA.

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.

Mr. Raymond R. Crawford  
Elkrun Industries, Inc.  
March 31, 2008  
Page 3

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](mailto:jerry.weber@epa.state.oh.us)."

Sincerely,



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

JWW:cl

cc: Joe Trocchio, DSW-NEDO  
Dan Bogoevski, DSW-NEDO  
Robert Morehead, Columbiana County Health Department  
File: [Tukel/CONS/Elkrun Industries/COR/15]

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