



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

May 8, 2008

RE: CITY OF ELYRIA/GARDEN STREET LF
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
Mr. Bob Madden
Madden Bros., Inc.
66 Pearl Rd.
Brunswick, Ohio 44212

Dear Gentlemen:

On April 16, 2008, 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. I was present for the inspection with Kristie Parsons, from the Elyria City Health Department. Mr. Hutchson was present during a portion of the inspection.

On April 18, 2008, I conducted a re-inspection was conducted at the facility. Brian Colella and Bob Madden from the facility were present during the inspection.

The inspections were conducted to determine compliance with solid waste regulations and with 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.

During the April 16, 2008, inspection, Ohio EPA observed the following violations:

1. **OAC Rule 3745-27-45(H)(3)**: *"The owner or operator of a class I, II, III or IV composting facility shall do the following:*
 - (a) *Manage leachate in accordance with Chapter 6111. of the Revised Code.*
 - (b) *Take action to minimize the production of leachate and control, or eliminate, ponding of leachate and the conditions that contribute to the discharge of leachate from the facility.*

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- (c) *Maintain any structures or mechanisms used for the collection or containment of leachate to prevent blockage, clogging, or breakage that may impede proper collection or containment of leachate.*"

During the inspection, many large areas of leachate accumulation were present at the compost facility (see attached photos). There were at least three distinct areas of leachate discharge to drainage ditches and/or to wetland areas, located at the northern portion of the property, which ultimately drain to a tributary of the West Branch of the Black River. Therefore, the owner/operator is in violation of this rule because leachate was not managed in accordance with Chapter 6111. of the Revised Code; action was not taken to control or eliminate ponding of leachate; and the conditions that contribute to the discharge of leachate from the facility, and structures used for the containment of leachate for proper collection were not maintained.

2. **OAC 3745-27-45(C)(e)**: *"Daily operations. (1) The owner or operator of a composting facility shall conduct operations at the composting facility in such a manner that:*

- (e) *Water pollution is not created and Chapter 3704. of the Revised Code or any rule promulgated thereunder is not violated."*

During the inspection, many large areas of leachate accumulation were present at the compost facility (see attached photos). There were at least three distinct areas of leachate discharge to drainage ditches and/or to wetland areas, located at the northern portion of the property, which ultimately drain to a tributary of the West Branch of the Black River. Therefore, the owner/operator is in violation of this rule because the owner/operator did not conduct operations at the composting facility in such a manner that water pollution was not created and Chapter 3704. of the Revised Code was not violated.

3. **OAC Rule 3745-27-45(E)(3)** *"The methods of composting utilized at a class IV composting facility shall enable biological decomposition and ensure control of leachate, surface water, and ponding of liquids as specified in paragraphs (G) and (H) of this rule."*

During the inspection, many large areas of leachate accumulation were present at the compost facility (see attached photos). There were at least three distinct areas of leachate discharge to drainage ditches and/or to wetland areas, located at the northern portion of the property, which ultimately drain to a tributary of the West Branch of the Black River. Therefore, the owner/operator is in violation of this rule because the owner/operator did not control leachate and ponding of liquids as specified in paragraphs (G) and (H) of the rule.

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4. **OAC Rule 3745-27-45(A)(4)**: *"The owner or operator shall not accept any prohibited material at the facility."* and
5. **OAC Rule 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, including but not limited to, windrows, piles, or in-vessel composting systems."*

During the inspection it was noted that prohibited materials such as scrap tires and bagged leaves were present in compost material at the facility (see attached photos).

During the April 16, 2008, inspection, Ohio EPA observed the following violations of the Rule 13 Authorization, issued January 14, 2004:

1. 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."

The owner/operator is in violation of this condition because on-site activities were not accomplished in compliance with state and federal laws and regulations pertaining to the control of leachate. The leachate containment berm structure surrounding the windrow/compost area to contain leachate was breached at several locations at the northeast corner of the compost area allowing leachate to leave the facility.

2. Condition #2 of the Authorization states that "All activities undertaken shall not create a nuisance and shall not adversely affect public safety, human health, or the environment."

The owner/operator is in violation of this condition due to the leachate containment area overflowing and the berm structure surrounding the windrow/compost area to contain leachate was breached at several locations at the northeast corner of the compost area allowing leachate to leave the facility, therefore adversely affecting public safety, human health or the environment.

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3. 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/operator is in violation of this condition due to the presence of scrap tires and bagged leaves at the facility (see attached photos). The owner/operator must remove the prohibited material from the facility and properly dispose of at a licensed facility. Disposal receipts for the prohibited material must be sent to this office, to my attention.

4. 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/operator is in violation of Condition #4 due to the presence of ponding of leachate, leachate run-off into the marsh area northeast of the composting area and material placement areas containing large ponds of surface water. Large ponds of leachate were located at the northeastern, northwestern, and southwestern portion of the composting area and southwestern (photos included). Leachate on the northeastern portion of the composting area was not contained and was allowed to run-off to the marshy area located to the northeast of the composting area. Surface water has not been properly diverted to prevent ponding in the composting area.

5. 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/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 except for an unauthorized discharge to surface waters from the bermed area to a marshy area northeast of the composting area. During the April 18, 2008 inspection, it was noted that tanks had been brought in to containerize the leachate. Leachate was being pumped from the leachate pond located on the northeastern portion of the facility to the tanks. Disposal receipts for the leachate must be sent to this office, to my attention

6. 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,

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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/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 extent of the existing compost piles exceeds the compost area limits identified in the site plan of the authorization. Leachate management at the facility is not being conducted in strict accordance with the plans, specifications and information submitted as a part of the authorization request. The windrow construction and turning frequency does not enable controlled biological decomposition under primarily aerobic conditions to be maintained throughout the compost process and therefore, is not in strict accordance with the plans, specifications and information submitted as a part of the authorization request.

In addition to the above noted violations of the Authorization, the owner/operator is also in violation of the following:

1. **Ohio Revised Code (ORC) Chapter 6111.04:** “(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state. (2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.”

Ohio EPA observed that leachate flowed north from the composting area to a marshy area northeast of the composting area. Reddish-brown stains accompanied the flow of leachate to the ditch. Photographs documenting this violation are attached to this letter.

Please correct the above violations immediately, and notify me, in writing by May 20, 2008 what corrective actions have been taken to return the facility to compliance.

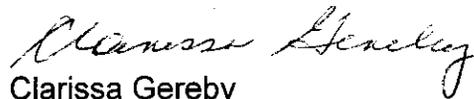
Previous Notices of Violation (NOV) have been issued to the Elyria City Landfill Class IV Composting Facility located at the closed Garden Street Landfill for violations related to leachate and open dumping (June 10, 2004 NOV for leachate violations, March 23, 2006 NOV for leachate and open dumping violations). 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). **Failure to correct the above violations and operate this facility in accordance with all applicable laws and regulations could result in escalated enforcement action being taken against the owner or operator of this facility by Ohio EPA and/or the Elyria City Health Department.**

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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 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.

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: David Oakes, Elyria City Health Department
Kristi Parsons, Elyria City Health Department
Angel Arroyo-Rodriguez, DSIWM, CO
Jim Irwin, DERR, NEDO
File: [Prinic/COMP/Elyria City Garden Street/COR/47]

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Sent To Brian Madden
 Street, Apt. No.,
 or PO Box No. Bob Madden
 City, State, ZIP+4

PS Form 3800, June 2002

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

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

2. Article Number

(Transfer from service label)

7005 31100001 0317 1684 C. Received 5-8-08

PS Form 3811, February 2004

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X Brian Madden

Agent

Addressee

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B. Madden

C. Date of Delivery

5-9-08

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