



State of Ohio Environmental Protection Agency

Northeast District Office

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

June 27, 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 June 20, 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. No one representing the facility was present during the inspection.

The inspection was 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. The inspection was also conducted to determine what corrective actions had been taken at the facility since the May 27, 2008 NOV was sent to the owners/operators of the facility.

During the June 20, 2008, inspection, Ohio EPA observed the following violations:

1. **OAC Rule 3745-27-45(A)**: *"General operational requirements. The owner or operator of a composting facility shall operate the facility in accordance with the following:*

(1) The owner or operator of a composting facility shall operate the facility in compliance with the applicable authorizing document(s)."

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The owner/operator is in violation of this rule because the facility is not being operated in accordance with the Rule 13 authorizing document, issued January 15, 2004. Please see violation # 5 through violations # 10 below.

2. **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.

(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." and

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."*

The compost material is not windrowed properly to enable aerobic biological decomposition. The leaves are dumped in large piles and are not being turned on a regular basis. The piles have extensive vegetative growth on it indicating that the material is not being turned. During the inspection it was also noted that many large areas of leachate accumulation were present at the compost facility (see photos #1 through #4). During the time of the June 20, 2008 inspection, no activity was taking place to remove any of the leachate from the site. Therefore, the owner/operator is in violation of this rule because action was not taken to control or eliminate the ponding of leachate and the owner/operator did not control leachate and ponding of liquids as specified in paragraphs (G) and (H) of the rule.

3. **OAC Rule 3745-27-45(A)(4)**: *"The owner or operator shall not accept any prohibited material at the facility." and*

OAC Rule 3745-27-45(A)(5): *"The owner or operator shall properly manage any containers used to transport authorized materials to a composting facility that do not meet the definition of biodegradable containers as defined in rule 3745-27-01*

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of the Administrative Code. Such containers shall not be introduced into the composting process except at a class I composting facility where the owner or operator is mixing such containers with type J feedstocks."

During the June 20, 2008, inspection it was noted that prohibited materials were present in compost material at the facility. The same prohibited material was present at the facility at the time of the April 18, 2008 inspection. This violation was cited in the May 8, 2008, NOV and May 27, 2008 NOV (see photo #2 and photos #5 through #8). Although the facility may accept leaves in plastic bags and subsequently remove the leaves from the bags before placement into the windrows, it is a violation to place the bagged leaves into the compost windrows.

3. **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 June 20, 2008, inspection it was noted that prohibited materials were present in compost material at the facility. The same prohibited material was present at the facility at the time of the April 18, 2008 inspection. This violation was cited in the May 8, 2008, NOV and May 27, 2008 NOV (see photo #2 and photos #5 through #8).

During the June 20, 2008, inspection, Ohio EPA observed the following violations of the Rule 13 Authorization, issued January 14, 2004:

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."

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. The landfill cap has been disturbed and damaged by construction operations at the site. The leachate containment berm structure surrounding the windrow/compost area to contain leachate was expanded vertically at the northeast portion of the

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compost facility (see photo #9). In addition, it appears that an attempt was made to drain surface water ponding which accumulated south of the compost operations and north of the mulching operations by digging a trench through the landfill cap in a southerly direction (see photo #10).

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/operator is in violation of this condition due to the presence of solid waste at the facility (see photo #2 and photos #5 through #8). 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. This violation was also cited in the May 8, 2008 and May 27, 2008 NOVs.

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/operator is in violation of Condition #4 due to the presence of ponding of leachate. Large ponds of leachate were located at the northeastern, northwestern, and southwestern portion of the composting area and southwestern (see photos #1 through #4). Surface water has not been properly diverted to prevent ponding in the composting and mulching area.

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/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.

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

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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, the landfill cap has been breached. The leachate containment berm structure surrounding the windrow/compost area to contain leachate was expanded vertically at the northeast portion of the compost facility. It appears that landfill cap material was scraped from the area adjacent to the berm and placed atop the old berm to increase the berm's height (see photo #9). In addition, a trench was dug through the cap in an attempt to drain surface water ponding which accumulated south of the compost operations and north of the mulching operations (see photo #10). This violation was cited in the May 27, 2008 NOV. At the current time, repair to the landfill cap has not commenced at the facility.

10. Condition #8 of the Authorization states that “Any portions of the landfill where the final cover system has been disturbed or damaged by construction or operation activities shall have a final cover system re-established in accordance with the capping requirements established in OAC Rule 3745-27-10 as effective on July 29, 1976.”

The final cover system has been disturbed and damaged by construction activities at the facility. The landfill cap has been breached in two distinct areas of the facility. (1) The leachate containment berm structure surrounding the windrow/compost area to contain leachate was expanded vertically at the northeast portion of the compost facility. It appears that landfill cap material was scraped from the area adjacent to the berm and placed atop the old berm to increase the berm's height (see photos #9). (2) An attempt was made to drain surface water ponding which accumulated south of the compost operations and north of the mulching operations by digging a trench through the landfill cap in a

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southerly direction (see photo #10). This violation was cited in the May 27, 2008 NOV. At the current time, repair to the landfill cap has not commenced at the facility.

The final cover system must be re-established in accordance with the capping requirements established in OAC Rule 3745-27-10, as effective on July 29, 1976. Please provide documentation as to what actions will be taken to re-establish the cap pursuant to the rule requirements.

There are two tanks onsite which contain leachate that had been pumped from the northeast portion of the compost facility. One tank was completely full and the other was partially full. These tanks containing the leachate have been at the site since April, 2008. The leachate must be removed from the site and properly disposed of at French Creek Waste Water Treatment Plant. Please provide documentation to this office as to the disposal of the leachate contained in the tanks.

Please correct the above violations immediately, and notify me, in writing by July 11, 2008, as to what corrective actions have been taken to return the facility to compliance.

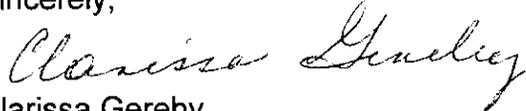
Previous Notices of Violation (NOV) have been issued to the Elyria City Landfill Class IV Composting Facility located at the closed Garden Street Landfill for violations related to leachate, open dumping and other violations (June 10, 2004 NOV; July 25, 2005 NOV; March 23, 2006 NOV; June 15, 2007 NOV; May 8, 2008 NOV; and May 27, 2008 NOV). 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.**

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.

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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
Mike Stevens, DSW, NEDO
File: [Principi/ COMP/Elyria City Garden Street/ COR/47]

#2



#4



#1



#3

