



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

December 30, 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 October 21, 2008, Ohio EPA conducted a site inspection of the Class IV Composting Facility located at the closed Garden Street Landfill located in Elyria, Lorain County. Present were Angel Arroyo-Rodriguez and Joe Goicochea from the Division of Solid and Infectious Waste Management, Ohio EPA, Central Office and me. 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.

During the time of the inspection, it was noted that a large amount of composted material had been removed from the facility. A large product pile was created from the composted material and the product material was being removed by semi-trucks for distribution. A worker was pumping leachate out of the leachate pond and into a tank for removal. However, a large amount of leachate was still observed on top of the landfill cap (see photos #1 through #6).

During the August 13, 2008 meeting with Jim Hutchson, it was indicated that no additional leaves/yard waste would be brought into the facility until all of the on-site material was removed. During the inspection, it was observed that large tractor-trailers containing leaves and other yard waste were being brought in and dumped on the south side of the windrowed area (see attached photos #7 and 8). Large piles of leaves and other yard waste has accumulated in the area.

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During the October 21, 2008, inspection, Ohio EPA observed the following violations of Ohio's compost facility regulations:

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).”*

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 violation # 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:*

3.

*(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.”*

Although leachate was being removed from the leachate pond during the inspection, it was noted that a large amount of leachate had been allowed to pond on the landfill cap (see photos #1 through #6). Therefore, the owner/operator is in violation of this rule because action was not taken to control or eliminate the ponding of leachate. All leachate must be removed from the site. Please provide documentation to this office as to the disposal of the leachate.

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*

*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 October 21, 2008 inspection, it was noted that prohibited materials were present in compost windrows 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, May 27, 2008 NOV and June 23, 2008 NOV (see photos #9 and #10). Although the facility may accept leaves in plastic bags and subsequently remove the leaves from the bags before placement into the windows, it is a violation to place the bagged leaves into the compost windrows.

4. **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 October 21, 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, May 27, 2008 NOV, and June 23, 2008 NOV (see photos #9 and #10).

During the October 21, 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 had been disturbed and damaged by construction operations at the site (see the June 23, 2008 NOV). At the current time, repair to the landfill cap has not commenced at the facility.

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 photos #9 and #10). The owner/operator must remove the prohibited material from the facility and properly dispose of it 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, May 27, 2008, and June 23, 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 and southwestern portion of the composting area and south of the composting area (see photos #1 through #6). All leachate must be removed from the site. Please provide documentation to this office as to the disposal of the leachate.

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 been accumulating on the landfill and has not been adequately contained for reintroduction into the composting process nor has the leachate been adequately 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 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

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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 in two distinct areas of the facility (see June 23, 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 (see June 23, 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.

Pursuant to OAC 3745-27-45(J)(2), Ohio EPA is requesting copies of the daily logs and inspection records of the facility for the 2007 and 2008 calendar years. Please send the copies to my attention.

Please correct the above violations immediately and notify me in writing by December 22, 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; May 27, 2008 NOV and June 23, 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).

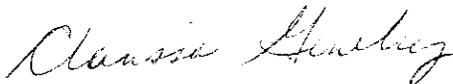
Mr. Jim Hutchson, City of Elyria  
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**Failure to correct the above violations and operate this facility in accordance with all applicable laws and regulations could result in escalated enforcement action being taken against the owner or operator of 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.

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: [Kurko/COMP/Elyria City Garden Street/COR/47]

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Sent To: Brian Madden  
 Street, Apt. No., or PO Box No.: 1001 Madden  
 City, State, ZIP+4: Madden Bros.

PS Form 3800, August 2006 See Reverse for Instructions

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Sent To: Jim Hutchison  
 Street, Apt. No., or PO Box No.: City of Elyria  
 City, State, ZIP+4:

PS Form 3800, August 2006 See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

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) 70080150000171108203 C. Dated by 12/30/08

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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 Addressee  
Scott Lockhart

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Scott Lockhart

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12-31-08

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1. Article Addressed to:

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

2. Article Number  
 (Transfer from service label) 7008 0150 0001 7110 0008 C. Dated by 12/30/08

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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D. J. [Signature]

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12-31-08

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 Elyria OH 44035

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