



State of Ohio Environmental Protection Agency

Northeast District Office

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

December 21, 2009

RE: **NOTICE OF VIOLATION
COMPREHENSIVE INSPECTION
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 December 17, 2009, I, representing the Ohio Environmental Protection Agency, conducted a comprehensive 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 sunny with a temperature of approximately 35° F. I met with Mary Beth Jackson both prior to and following the 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 following violations were observed during this inspection:

1. **Weekly Cover:** During this inspection it was observed that combustible debris in the former disposal area at the top of the hill was uncovered. No debris had been disposed in this area since the last comprehensive inspection in September 2009.

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."*

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

2. **Solid Waste Disposal:** During this inspection prohibited solid waste was observed disposed at this facility. The solid waste was observed disposed in the former disposal area at the top of the hill. No debris had been disposed in this area since the last comprehensive inspection in September 2009. Prohibited solid waste disposed at this facility included, but was not limited to the following: a scrap tire, bags of clothing, bags of household waste, a steel garbage can, a couch cushion, several shoes, three chairs, and a wet broom.

Elkrun is in violation because it has allowed the disposal of solid waste in its facility. The owner or operator has made no effort to remove these prohibited solid wastes from the facility for proper disposal. Elkrun's disposal of solid waste at its C&DD facility is a violation of the following:

- a. **ORC Section 3714.021(B):** *"The owner or operator of a construction and demolition debris facility that is licensed under this chapter shall attempt to remove all solid wastes from construction and demolition debris prior to the disposal of the construction and demolition debris on the working face of the facility. Except as otherwise provided in this division, the existence of solid wastes on the working face of a construction and demolition debris facility does not constitute a violation of this chapter and rules adopted under it if both of the following apply: (1) The wastes constitute not more than two cubic yards per one thousand cubic yards of construction and demolition debris or four cubic yards per one thousand tons of construction and demolition debris disposed of at the facility on the preceding full business day as determined by using the amount of disposal fees collected under section 3714.07 of the Revised Code for wastes disposed of at the facility on that preceding full business day. (2) The owner or operator or the employees of the facility remove the solid wastes from the working face of the facility."*
- b. **OAC Rule 3745-400-11(F):** *"The owner or operator shall dispose of only construction and demolition debris as defined in rule 3745-400-01 of the Administrative Code, except as specified in this rule."*

For the purpose of this rule, OAC 3745-400-01 states, "Construction and demolition debris' or 'debris' means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. 'Construction and demolition debris'

does not include materials identified as solid wastes, infectious wastes, or hazardous wastes pursuant to Chapter 3734. of the Revised Code and rules adopted under it..."

- c. **OAC Rule 3745-400-11(F)(2)**: *"The owner or operator of a facility shall not dispose of any solid wastes except as follows:*
 - (a) *Packaging which results from the use of construction materials may be disposed if it is incidental to the load.*
 - (b) *Tree stumps, trunks and clean branches exceeding 4 inches in diameter may be disposed...*
 - (c) *Asbestos materials subject to NESHAP, 40 CFR Part 61, Subpart M, may be disposed of only if the necessary air pollution permits have been issued."*
- d. **OAC Rule 3745-400-11(F)(3)**: *"The owner or operator shall deposit incoming loads of debris at a designated unloading zone where debris shall be inspected and all prohibited wastes shall be removed..."*
- e. **ORC Section 3734.03**: *"No person shall dispose of solid wastes by open burning or open dumping...No person shall dispose of treated or untreated infectious wastes by open burning or open dumping."*
- f. **OAC Rule 3745-27-05(C)**: *"No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed."*

In order to return to compliance with all applicable laws and rules, the owner or operator must remove all prohibited solid waste from this facility and dispose of it in a licensed solid waste disposal facility. The owner or operator must also provide evidence that the solid waste observed during this inspection was actually removed.

2. **Litter:** During this inspection a large amount of litter was observed both on the ground and in the trees located east of the old disposal area.

Elkrun is in violation because it has failed to collect, properly contain, and dispose of litter at its facility. It was not clear how long the blown litter had been present in the

areas described above. Elkrun's failure to collect, properly contain, and dispose of litter at its C&DD facility is a violation of the following:

- a. **OAC Rule 3745-400-11(L)**: *"The owner or operator shall employ all reasonable measures to collect, properly contain, and dispose of scattered litter at the active licensed disposal area of a facility, including frequent policing of the area and the use of portable wind screens where necessary."*

In order to return to compliance with all applicable laws and rules, the owner or operator must collect, properly contain, and dispose of litter at its C&DD facility.

4. **Unloading Zone:** During the inspection, a load of debris from a walking floor trailer was unloaded directly onto the facility working face. Two cones were present designating the back of the unloading zone, however, facility personnel failed to instruct the driver of the truck transporting the incoming load to dump the load within the unloading zone, separate from the working face.

Elkrun is in violation because it failed to unload the debris in a clearly designated and marked unloading zone separate from the working face. Elkrun's failure to ensure that debris was unloaded in a clearly designated and marked unloading zone separate from the working face at its C&DD facility is a violation of the following:

- a. **OAC Rule 3745-400-11(F)(3)(a)**: *"The owner or operator shall unload the debris in clearly designated and marked unloading zones separate from the working face."*

In order to return to compliance with all applicable laws and rules, the owner or operator must ensure that debris is unloaded in a clearly designated and marked unloading zone that is kept separate from the facility working face.

In addition to the above violations, the following observations were made during this inspection:

1. No hydrogen sulfide odors were detected coming from the landfill during this inspection.
2. A very small volume of prohibited solid wastes including but not limited to several beverage bottles were observed disposed in the working face during the inspection. The prohibited solid wastes were removed during the inspection, and the volume of solid wastes removed did not exceed the regulatory limit established by statute to determine when a violation exists.

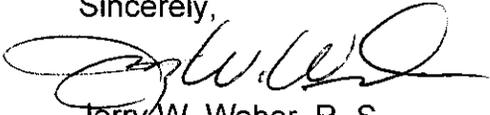
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Several large piles of prohibited solid wastes were observed along the edge of the facility working face. I was informed that those wastes had been removed from the working face and set aside to be picked up for disposal at the end of the day.

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.

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."

Sincerely,



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

JWW:cl

cc: File: [Kurko/CONS/Elkrun Industries/COR/15]

ec: Lori Barnes, Columbiana County Health Department

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