OhioEPA
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

July 19, 2007

RE: NOTICE OF VIOLATION
1436 TRIPLETT BLVD.
KELLY AVE. COMPOST FACILITY

CERTIFIED MAIL

Paul Barnett, Manager
Bureau of Public Works
1436 Triplett Blvd.
Akron, Ohio 44306

Dear Mr. Barnett:

Ohio Environmental Protection Agency (Ohio EPA) recently conducted inspections at two facilities operated by city of Akron. This letter provides observations and a notice of violations regarding two inspections at 1436 Triplett Boulevard and one inspection at the Class IV compost site at Kelly Avenue, Akron, Summit County, Ohio.

Inspection at 1436 Triplett Boulevard on July 3, 2007

The purpose of this inspection was to respond to the attached complaint that Ohio EPA received on July 3, 2007. U.S. EPA originally received the complaint indicating that there was a large pile of garbage on a parking lot at 1436 Triplett Boulevard, Akron. The property is a city of Akron facility containing City offices and a back lot containing a salt dome and various stockpiled materials.

Prior to the inspection, I spoke with Robert Reed, Superintendent of Parks and Maintenance. He indicated the following: at the end of May 2007, Akron had a City-wide Spring Cleanup that allowed residents to place bulk items at the curbside and then the City picked up the items for disposal. The amount of collected debris was much more than expected. Also, much debris was picked up during the Memorial Day weekend when the Akron Central Transfer Station was closed. So, a significant amount of overflow items were temporarily placed at a bin area near the salt dome. The debris pile was later removed as soon as possible when the transfer station opened.

I inspected the back lot behind the office area. No one else was present during the inspection.

There was a bin area where various piles of materials are stored. Each bin was lined on three sides with approximately 40-inch high concrete barriers. At the center bin, behind the roofed soil bin, there was a medium-sized pile of mixed solid wastes including street sweepings, yard wastes, plastic bottles, two mattresses, and seven black garbage bags. There was a slight garbage odor. Also at this bin there was an uncovered roll-off container containing street sweepings.

A second pile of solid wastes was located a short distance south of the salt dome. This pile contained bags of garbage, plastic bottles, yard wastes and furniture. The solid wastes were pushed up against a large soil pile. Approximately 50 scrap tires were also nearby.

The two piles of solid waste and scrap tires (also considered solid waste) are considered open dumping of solid wastes. The city of Akron is in violation of the following:

1. **Ohio Revised Code (ORC) 3734.03** Open dumping of solid wastes

This law states in part, *"No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious wastes by open burning or open dumping."*

To achieve compliance, the solid waste must be disposed at a licensed solid waste facility and copies of waste disposal receipts provided to Ohio EPA. Any potential hazardous waste must be characterized and properly disposed at the appropriate licensed solid waste or hazardous waste facility.

2. **Ohio Administrative Code (OAC) 3745-27-05(C)** Open dumping of solid wastes

This rule states in part, *"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.*

[Comment: Prompt removal and disposal of solid waste does not relieve any obligations under state or federal environmental statutes. This may include environmental clean-up of the site and/or remediation of ground water contamination resulting from the open dumping.]"

To achieve compliance, the solid waste must be disposed at a licensed solid waste facility and copies of waste disposal receipts provided to Ohio EPA. Any potential hazardous waste must be characterized and properly disposed at the appropriate licensed solid waste or hazardous waste facility.

<u>Reinspection at 1436 Triplett Boulevard on July 11, 2007</u>

The purpose of the reinspection was to verify that all solid waste had been removed from the back lot. Attending the inspection were you and Steve Dubetz from Akron Bureau of

Public Works, Julie Brown from Akron Health Department, and I. The two solid waste piles and scrap tires mentioned above had been removed. However, there were several new concerns that Ohio EPA identified. The observations, violations and comments are below.

1. OAC 3745-27-45(A)(2) Unregistered Class IV compost site

There was a pile of tree branches and leaves and a pile of compost. However, this site is not a registered Class IV compost site. The above rule states in part, *"The owner or operator of a class II, III, or IV composting facility shall meet the registration requirements prior to initiating operations at the facility and shall maintain status as a "registered composting facility," in accordance with rule 3745-27-41 of the Administrative Code, in order to continue operations at the facility."*

To achieve compliance, the compost and yard waste must be removed and placed at a registered compost site or submit a completed Class IV compost facility registration to Ohio EPA for the 1436 Triplett Boulevard site.

2. ORC 6111.04 Water pollution

This law states in part, *"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."*

There was a recent rain and surface water was flowing around the various stockpiles during the inspection. The storm water contained sediments and was brown in color. The water was flowing into two storm water drains at the back lot which flowed into a ditch that went toward Akron-Fulton Airport.

To achieve compliance, the City must immediately prevent sediments from entering "waters of the state." In addition, Ohio EPA recommends that due to the size of the back lot area, the amount of stored materials, and the quick drainage to the ditch, the City should apply for a national pollutant discharge elimination system (NPDES) permit for storm water management. The permit's storm water pollution prevention plan (SWP3) will specifically address storm water run off from the various stockpiles in the back lot. Please contact Kelvin Rogers, Ohio EPA, Division of Surface Water at (330) 963-1117 for additional information.

After the inspection, we had a short meeting to discuss inspection results at your office. Attending the meeting were yourself, Robert Harris and Steve Dubetz from Akron Bureau of Public Works, Julie Brown from Akron Health Department, and I. You indicated the following:

A. The reasons for the temporary placement of the solid waste pile at Triplett Boulevard (already explained in the third paragraph of this letter). The pile was placed on May 26 and 27, and was removed from May 30 to June 1.

B. The compost and tree debris piles will be moved to Akron's registered Class IV compost site located at the northwest corner of the intersection of Kelly Avenue and Exeter Road.

C. A concrete ramp will be built to allow street sweepings to be placed directly into a roll-off box. Street sweepings will no longer be placed on the surface of the lot.

D. Akron is currently applying for a national pollutant discharge (NPDES) permit for storm water management regarding the back lot of 1436 Triplett Boulevard.

After the meeting, Julie Brown and I inspected the nearby Kelly Avenue/Exeter Road Class IV compost site. Below are observations and violations.

<u>inspection at Kelly Avenue/Exeter Road compost facility on July 11, 2007</u>

The City of Akron is in violation of ORC 6111.04 due to the following:

1. **ORC 6111.04 Water pollution**

A. The front area is an open area of approximately five acres that was covered with many truck loads of dumped leaves. The leaves appear to be from last year's leaf collection. The leaves have not been turned or put into windrows. There did not appear to be any organized composting activities. A tea-colored leachate was observed between the compost piles. Some of the leachate was flowing from the compost and into erosion ditches that were flowing offsite.

To comply with the above law, the City must ensure that leachate from the compost does not leave the site.

B. Behind the compost field is a large bermed asphalt pad. On the pad was a large pile of asphalt grindings and two uncovered piles of what appeared to be road salt. Drainage was flowing to the northeast corner of the pad where there is a large crack in the asphalt pad. In the crack, there is an erosion ditch approximately one foot deep. The ditch continues into the field behind

the pad. Run off from the salt piles was discharging pollutants to "waters of the state" which is a violation of ORC 6111.04.

To comply with the above law, the salt piles should be tarped and bermed or removed to an enclosed location, to prevent unpermitted run off.

C. In the crack in the asphalt and in the erosion ditch, historic solid waste items could be seen in the exposed layer, approximately one foot deep. Surface water in contact with solid waste generates leachate. The water/leachate was leaving the asphalt pad and flowing into the erosion ditch.

To comply with the above law, the City must stop the generation of leachate by removing the historic waste and ensuring that there is not waste in the drainage ditch. The crack in the asphalt should be repaired if the pad is to be used as a method of preventing leachate from leaving the pad. The City should also determine source of the buried waste.

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 city of Akron 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 for remedying conditions resulting from any release of contaminants to the environment.

Please respond to the above violations and comments within 14 days receipt of this letter. If you should have any questions regarding this letter, please call me at (330) 963-1286.

Sincerely,

Dave Dysle

Dave Dysle
Environmental Specialist
Division of Solid and Infectious Waste Management

DD:cl
att: Complaint, dated July 3, 2007

cc: Kelvin Rogers, DSW, NEDO
Julie Brown, Akron Health Department
Rita Garner, U.S. EPA
File: [Sowers/COUN/Akron City/GEN/77]