



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

May 5, 2009

**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 28, 2009, I conducted a partial site inspection of the Class IV Composting Facility located at the closed Garden Street Landfill located in Elyria, Lorain County. The inspection was conducted solely to determine the status of leachate removal at the facility.

During the time of the inspection, it was observed that a large amount of leachate still remains on top of the landfill cap (see photos #1 and #2). It was also noted that the stockpile of finished compost product contained large amounts of solid waste (see photos # 3 through # 5). The solid waste consisted mostly of pieces of plastic bags. It appears that bags of leaves had been placed in the grinder and ground up during the process of grinding the compost to make the finished product.

On March 23, 2006 a Notice of Violation (NOV) was sent by Ohio EPA to the City of Elyria and Madden Brothers, Inc. citing open dumping (among other violations) for the March 17, 2006 inspection conducted at the site. During the site inspection, it was noted that there was a large area of bagged leaves at the compost facility (see photos #6 and # 7). The open dumping violations were cited because "The owner or operator of this facility violated this rule by disposing of solid waste by open dumping. The tires and the plastic bags in which the leaves have been bagged are considered solid waste and therefore, the activity conducted at the facility is considered open dumping." The owner/operator was required to either de-bag the leaves and place them in windrows or haul the bagged leaves to an approved solid waste landfill for disposal. Subsequent site inspections on April 16, 2008, May 20, 2008 and June 20, 2008 showed that

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bagged leaves had been placed at the northwest end of the compost facility and covered with leaves (see photos #8 through # 11). NOVs, which were sent on May 8, 2008, May 27, 2008 and June 27, 2008, required the owner/operator to remove the solid waste from the compost piles. During the April 28, 2009 inspection, it was noted that the finished compost pile contained a large amount of plastic bag pieces. It appears that the bags of leaves that were identified during the March 17, 2006, April 16, 2008, May 20, 2008, and June 20, 2008 inspections had been placed in the grinder and ground up during the process of grinding the compost to make the finished product.

The owner/operator is in violation of the following:

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 violations # 4, # 5 and #6 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."

See the discussion for violation #3 below.

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."

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It was noted that a large amount of leachate still remained and had been allowed to pond on the landfill cap (see photos #1 and 2). Therefore, the owner/operator is in violation of these rules 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.

During the April 28, 2009, inspection, Ohio EPA observed the following violations of the Rule 13 Authorization, issued January 14, 2004:

1. Rule 13 Condition #4 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 portion of the composting area (see photos #1 and # 2). All leachate must be removed from the site. Please provide documentation to this office as to the disposal of the leachate.

2. Rule 13 Condition #5 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.

3. Rule 13 Condition #7 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. 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.

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The "finished product" is considered solid waste at this time due to the presence of the large amount of plastic shreds in it. At this time, proper handling of the "finished product" pile consists of either removing all of the plastic shreds from the pile or removing all of the material to an approved solid waste facility.

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, 2008 and 2009 calendar years. In addition, please provide documentation to this office as to the disposal of the leachate. The submission of this information had been requested in the December 30, 2008 NOV and April 1, 2009 NOVs. As of the date of this letter, the requested information has not been provided for review.

Please correct the above violations immediately, and notify me, in writing by May 18, 2009, as to what corrective actions have been taken to return the facility to compliance. Please include the receipts for solid waste disposal. In addition, submit the daily logs and inspection record and the documentation for leachate disposal within one week of receipt of this NOV.

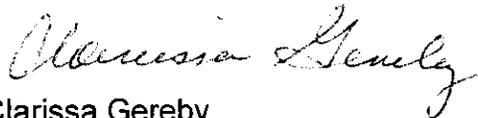
Previous Notices of Violation (NOV) have been issued to the Elyria City Landfill Class IV Composting Facility located at the closed Garden Street Landfill for violations related to leachate, open dumping and other violations (June 10, 2004 NOV; July 25, 2005 NOV; March 23, 2006 NOV; June 15, 2007 NOV; May 8, 2008 NOV; May 27, 2008 NOV; June 23, 2008 NOV and December 30, 2008 NOV, April 1, 2009). 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: William M. Grace, Mayor, Elyria City
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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 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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Sent To: Brian Madden
 Street, Apt. No., or PO Box No: Bob Madden
 City, State, ZIP+4: Madden Bros

PS Form 3800, August 2006 See Reverse for Instructions

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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 3230 0003 5419 5125

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Amie Smith

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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) 7008 3230 0003 5419 5576

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Kelly Milham

B. Received by (Printed Name) Kelly Milham C. Date of Delivery 5-6-09

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