Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 9, 2011

RE: NOBLE COUNTY FAC- CROCK C&DD

Mr. Ed Crock
Crock C&DD Landfill
17990 State Route 78
Caldwell, Ohio 43724

Dear Mr. Crock:

On May 12, and 26, 2011, I conducted inspections of the Crock C&D Landfill. I was accompanied by Mark Mansfield of the Ohio EPA Southeast District Office during my May 12 inspection.

The facility was not operating during either inspection. The gate was locked with a "Closed" sign at the entrance. The entire Active Licensed Disposal Area (ALDA) was not adequately covered with soil for fire protection. Exposed waste was visible throughout the ALDA. In addition, there were two leachate outbreaks at the toe of the ALDA. The following violations continue to accrue at Crock C&DD Landfill:

OAC Rule 3745-400-11(B)(1) - The owner or operator shall conduct all operations at the facility in strict compliance with the license, any orders, and other authorizing documents issued in accordance with Chapter 3714. of the Revised Code.

The facility is filled above the currently approved vertical limits of waste placement. This is documented in the survey provided by your engineer, Jamie Hendershot dated September 30, 2009.

Special terms and conditions were included in the 2007 License issued to the Crock C&D Landfill by the Noble County Health Department. The Crock facility is in violation of the following special terms and conditions of the 2007 license:

5. Within 60 days of issuance of this license, licensee shall submit a written report to the Noble County Health Department and Ohio EPA detailing actions taken to achieve compliance with conditions 1, 2, 3, and 4 above.

All required activities in Condition #5 were to be completed no later than February 28, 2007. A report was to be submitted to the Noble County Health Department and Ohio EPA. To date, Ohio EPA has not received this report.

Directors Orders dated October 29, 1999, required the establishment of financial assurance for the Flood Debris Disposal Unit. In addition, the Flood Debris Unit shall not be disturbed without prior approval of Ohio EPA in accordance with ORC Section 3734.02 (H) and OAC Rule 3745-27-13. A review of Tim Linn's survey dated January 13, 2000, and the September 30, 2009, survey submitted by Jamie Hendershot indicates a significant portion of the solid waste Flood Debris Unit has been covered by C&DD waste in violation of these Orders. In addition, Ohio EPA has not received documentation that financial assurance has been established for the Flood Debris Unit.

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OAC Rule 3745-400-11(B)(2) - The owner or operator shall dispose of construction and demolition debris only within the active licensed disposal area.

A significant amount of waste has been disposed outside the previously licensed limits of your facility in violation of this OAC Rule.

OAC Rule 3745-400-11(H) - Fire prevention. The owner or operator shall operate the facility in a manner that prevents fires by doing one of the following:

(1) 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.

Much of the active disposal area has exposed waste in violation of this OAC Rule.

OAC Rule 3745-400-11(O) - Leachate outbreaks. If there is an outbreak of leachate at the surface, the owner or operator shall do all of the following:

(1) Contain the leachate.
(2) Manage and dispose the leachate in accordance with applicable regulations.
(3) Repair the outbreak.

Leachate was observed leaving the ALDA at the toe of the fill. All outbreaks should be repaired, and all leachate should be collected for proper disposal.

OAC Rule 3745-27-13(A) - No person shall, without authorization from the director, engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated. Any person proposing to engage in these activities on land where a hazardous waste facility or solid waste facility was operated shall comply with the requirements of this rule.

As stated above, a significant portion of the solid waste Flood Debris Unit has been covered by C&DD waste in violation of this rule.

In addition to the above cited OAC Rules, you are in violation of certain sections of Director's Orders issued to Crock Construction on October 29, 1999. Specifically:

Section V. 3. b.- Respondent shall perform the work described in Attachment A in conformance with the specifications and schedules contained therein.

Violations of Attachment A include the following:

Section II. A. - Upon completion of the Cap System, except as otherwise provided in these Orders, the Flood Debris Disposal Unit shall not be disturbed without prior approval of Ohio EPA in accordance with ORC Section 3734.02(H) and OAC Rule 3745-27-13.

A significant amount of C&DD waste has been placed over portions of the Cap System in the Flood Debris Disposal Unit in violation of this Section. This waste must be removed for proper disposal and the solid waste cap must be repaired or reconstructed.

Section II. E. - Within 180 days of the effective date of these Orders, Respondent shall execute and fund a post closure care financial assurance instrument meeting the requirements of OAC Rules 3745-27-16 and 3745-27-17. The post closure care financial

assurance instrument shall contain an itemized written estimate, in current dollars, of the cost of post-closure care of the Flood Debris Disposal Unit for a period of no less than 30 years. The estimate shall be based on a third party conducting the post closure care activities. The post closure care financial assurance instrument shall, at a minimum, be reviewed and adjusted annually in accordance with OAC Rule 3745-27-16(D).

To date, Ohio EPA has not received any documentation that a proper post-closure care financial assurance instrument has been executed.

Please respond to this letter within 15 days detailing your actions taken to abate the above cited violations. Please feel free to contact me at 740/380-5219 if you have any questions regarding the above referenced inspections of the Crock C&DD facility.

Sincerely,

Peter C. Thompson
Division of Materials and Waste Management

PCT/jg

cc: Jim Warren, Noble County Health Department