



State of Ohio Environmental Protection Agency

**Southeast District Office**

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

October 12, 2010

**RE: NOBLE COUNTY  
FAC- CROCK C&DD LANDFILL**

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

Dear Mr. Crock:

On August 27 and September 8, 2010, I conducted inspections of the Crock C&D Landfill. During each inspection, I also observed conditions of the nearby area where you have continued to receive waste and have amassed a significant amount of mixed waste.

I met with Brandon Crock during my September 8 visit. We discussed your stated intentions for recycling the material you have accumulated at this area. Brandon indicated to me that none of the material staged outside your landfill facility had been sold as a product or processed into a product. During both of my visits, Bill Baker was sorting material from the mixed waste pile. Material was being placed into one of three other piles consisting of either wood, asphalt shingles, or plastics. Solid waste was being placed in a rolloff box as it was encountered. Additionally, there was a sorting screen onsite that Brandon stated may be operable in the coming weeks. There were four discreet piles of material consisting of the following:

- asphalt shingles measuring approximately 30 X 30 feet and 10 feet high
- plastics measuring approximately 20 X 20 feet and 8 feet high
- lumber measuring 50 X 30 feet and 12 feet high
- unsorted material measuring 250 X 40 feet and 20 feet high

I have received your correspondence dated September 8, 2010, in which you asked for Ohio EPA's basis for a determination of illegal disposal for your offsite operations. According to Ohio law, the placement of C&DD material on the ground constitutes illegal disposal unless it is placed in a licensed facility or certain other exempt conditions exist. The Ohio Administrative Code (OAC) contains a definition of recycling that is an important consideration in this determination. Specifically:

**OAC Rule 3745-400 (II)** - "Recycling" means processing a material using such methods, including but not limited to, screening, sorting, or shredding, for use in a beneficial manner that does not constitute disposal.

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To date, I have not observed any processing of material into a beneficial product. In addition, you have not provided any confirmation that you can market any beneficial material. Therefore, the speculative accumulation and deposition on the ground of wastes observed at the area near your landfill facility is considered illegal disposal.

The following violations were observed during my August 27 and September 8 inspections:

**OAC Rule 3745-27-05(C)** - No person shall conduct, permit, or allow open dumping.

The waste that you have accepted and placed outside your licensed C&DD landfill contained cardboard, packaging, mattresses, tires, and other solid waste. The observed deposition of the solid waste constitutes open dumping.

**OAC 3745-400-04(B)** - No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.

The deposition of the recently accepted C&DD material outside your licensed facility and the material you have removed from your landfill and placed outside the boundary of your licensed facility constitutes illegal disposal of C&DD.

As stated above, a significant amount of waste has been disposed outside your facility. All of this waste must be removed for legitimate disposal in a licensed landfill or legitimately recycled.

Please respond within 15 days detailing your actions to abate the above-cited violations. If you intend to pursue processing this material for beneficial use, please provide a list of actual customers, and copies of records verifying the types, dates, and amounts of material received and removed for disposal or as a commodity. Please also list the disposal locations or customers purchasing the material. Please feel free to contact me at 740/380-5219 if you have any questions.

Sincerely,



Peter C. Thompson  
Division of Solid and Infectious Waste Management

PCT/jg

cc: Jim Warren, Noble County Health Department