



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

April 30, 2010

**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 March 10, 2010, I conducted an inspection of the Crock C&D Landfill. I was accompanied by Joe Holland of the Ohio EPA Southeast District Office during this inspection.

The facility was not operating during this inspection. The gate was locked with a "Closed" sign at the entrance. The entire Active Licensed Disposal Area (ALDA) was adequately covered with soil for fire protection.

During this inspection, we observed that you have removed a significant amount of waste from the ALDA and placed it outside the facility boundary. This material was co-mingled with a significant amount of soil. You advised me that you intend to grind this material with the intention of selling it as an industrial mulch product for use in re-seeding projects at such locations as highway and mine reclamation sites. You indicated that certain undesirable materials would be removed prior to grinding and placed back in the landfill for disposal.

In addition to the waste material that was removed from the ALDA, I observed several loads of recently accepted demolition debris that were placed outside of your licensed C&DD landfill facility. You indicated that you intend to separate certain materials that would not enhance your proposed mulch product and place those materials in your licensed landfill or in a roll-off box for proper disposal.

During this inspection, I did not observe any sorting or separation activities. I observed that there was no equipment onsite that could be used for separating any of the mixed material, and that material was not being actively managed. Similarly, the recently accepted demolition debris was not being sorted, separated, or actively managed. In addition, you have not demonstrated that a market for the industrial mulch product exists. As such, Ohio EPA has determined that waste deposited outside of your licensed C&DD facility constitutes illegal disposal of C&DD and open dumping of solid waste. If you choose to grind this mixed waste material, it is still regulated as waste.

The following violations were observed during my March 10 inspection:

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, and other solid waste. These materials are solid wastes and the observed deposition of them 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 outside your licensed facility of the recently accepted C&DD material and the material you have removed from your landfill constitutes illegal disposal of C&DD.

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 license for the facility specifies the vertical limits within which construction and demolition debris may be placed. 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, and is a violation of OAC Rule 3745-400-11(B)(1).

In addition, 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, which provided as follows:

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. This is a violation of the license terms and conditions and therefore constitutes a violation of OAC Rule 3745-400-11(B)(1).

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. As documented in the September 30, 2009 survey submitted on your behalf by Jamie Hendershot, 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. As such, you are in violation of the October 29, 1999 Director's Orders, which is also a violation of OAC Rule 3745-400-11(B)(1).

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.

As stated above, a significant amount of waste has been disposed outside your ALDA, in violation of this rule.

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.

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As previously described, a September 30, 2009 survey submitted on your behalf by Jamie Hendershot indicates that 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.

Within 15 days, please respond to this letter 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 inspection of the Crock C&DD facility.

Sincerely,



Peter C. Thompson
Division of Solid and Infectious Waste Management

PCT/jg

cc: Jim Warren, Noble County Health Department