

**Environmental
Protection Agency**

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

January 13, 2012

**RE: NOTICE OF VIOLATION
COMPREHENSIVE INSPECTION
4TH QUARTER 2011
ELKRUN INDUSTRIES C&DD LANDFILL**

CERTIFIED MAIL

Mr. Raymond R. Crawford
Elkrun Industries, Inc.
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Rogers, Ohio 44455

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Caroline Crawford
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Darlene M. Figley
13425 San Rafael Drive
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Dear Property Owners of the Elkrun Industries, Inc. C&DD Landfill:

On December 7, 2011, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a comprehensive inspection of the Elkrun Industries, Inc. C&DD Landfill (Elkrun), located at 9676 State Route 7 in Elkrun Township, Columbiana County. Weather conditions on this occasion were overcast with a temperature of approximately 32° F. I was accompanied during the inspection by John Hujar, representing Ohio EPA and Tim Clark, representing the facility owner/operator. I met with Chastity Smith, representing the facility owner/operator, prior to inspection and Mary Beth Jackson, representing the facility owner/operator, following the inspection.

The purpose of the 4th quarter 2011 inspection of the facility was to determine compliance with Ohio Revised Code (ORC) Chapters 3714. and 3734., and Ohio Administrative Code (OAC) Chapters 3745-400 and 3745-27.

In accordance with OAC Rule 3745-400-11(B)(11), the owner or operator shall conduct all operations at the facility with individuals thoroughly familiar with proper operating procedures, the terms and conditions of the facility license, and this rule. Neither Steve Sinsely nor Mary Beth Jackson, representing the facility owner/operator, was present at the facility during the course of the 4th quarter 2011 inspection.

Mr. Raymond R. Crawford
Elkrun Industries, Inc.
Caroline Crawford
Maureen Crawford
Darlene M. Figley
January 13, 2012
Page 2

The following violations were observed during the 4th quarter 2011 inspection:

1. **Surface Water.** During this inspection, surface water heavily laden with sediment was observed running uncontrolled along the sides of the access road, over the unpaved access road, behind the office trailer, and into a drains that appeared to drain underneath Route 7 and into an unnamed tributary to Turkeyfoot Run. The sediment-laden water appeared to be generated both from general runoff from the landfill, and as a result of a worker physically hosing mud off the tires of trucks exiting the facility.



Muddy access road and "wheel washing"



Sediment laden water running from road and "wheel wash"



Sediment laden water running toward Rt. 7



Sediment laden water entering ODOT drain

Elkrun is in violation because it failed to control surface water at the facility and allowed surface water heavily laden with sediment to flow into waters of the state. Failure to control surface water and allowing water pollution to occur has resulted in violations of the following:

- a. **OAC Rule 3745-400-11(B)(16):** *"The owner or operator shall not cause water pollution."*

Mr. Raymond R. Crawford
Elkrun Industries, Inc.
Caroline Crawford
Maureen Crawford
Darlene M. Figley
January 13, 2012
Page 3

- b. **OAC Rule 3745-1-04:** *“The following general water quality criteria shall apply to all surface waters of the state including mixing zones. To every extent practical and possible as determined by the director, these waters shall be:*
- (B)** *Free from floating debris, oil, scum and other floating materials entering the waters as a result of human activity in amounts sufficient to be unsightly or cause degradation;*
 - (C)** *Free from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance.”*

In order to return to compliance with these rules, the owner(s) or operator must immediately cease causing water pollution, and comply with the facility's surface water pollution prevention plan, the facility's current operating license, and all applicable surface water laws and regulations.

2. **Leachate.** During this inspection, leachate was observed running from the red leachate tank located adjacent to the current working face on the western portion of the facility, through a surface water drainage ditch, and into the sedimentation pond located to the south of the facility entrance and adjacent to State Route 7. Leachate was observed overflowing and running out of the tank, and it appeared that leachate was also running under the tank as a result of a leachate outbreak. The leachate running through the ditch and into the pond was creating foam and a white film on the water surface in the sedimentation pond. Strong leachate odors were also documented in the surface water ditch leading to the pond.



Leachate running from leachate tank



Leachate running through surface water ditch toward pond

Mr. Raymond R. Crawford
Elkrun Industries, Inc.
Caroline Crawford
Maureen Crawford
Darlene M. Figley
January 13, 2012
Page 4



Leachate running through ditch to pond



Leachate entering pond

Elkrun is in violation because it failed to manage and dispose of leachate in accordance with applicable regulations and its 2011 license, and because it has caused water pollution. Failure to manage and dispose of leachate in accordance with applicable regulations water pollution to occur has resulted in a violation of the following:

- a. **OAC Rule 3745-400-11(B)(16):** *"The owner or operator shall not cause water pollution."*
- b. **OAC Rule 3745-400-11(O):** *"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."*
- c. **OAC Rule 3745-400-11(P)(3):** *"The owner or operator shall operate and maintain the leachate collection system as follows...The owner or operator shall manage and dispose of leachate in accordance with applicable regulations."*

In order to return to compliance with these rules, the owner(s) or operator must immediately contain all leachate, dispose of it in accordance with applicable regulations, and prevent it from causing water pollution. The owner(s) or operator must also immediately make any appropriate repairs to the leachate tank to ensure

Mr. Raymond R. Crawford
Elkrun Industries, Inc.
Caroline Crawford
Maureen Crawford
Darlene M. Figley
January 13, 2012
Page 5

that leachate properly enters the tank, to prevent the tank from overflowing, and ensure that the tank is pumped out with sufficient frequency to ensure that it does not overflow again. The owner(s) or operator must also pump out the sedimentation pond located to the south of the facility entrance and adjacent to State Route 7 and dispose of the contents of the pond, which is now considered to be leachate, in accordance with applicable regulations. Due to the fact that surface water and ground water continue to enter the pond, it shall be considered sufficient to pump one pond volume equivalent for disposal as leachate after such time that the leachate tank has been repaired and leachate can no longer run into the pond.

In addition to the above violations, the following observations were made during this inspection:

1. A small volume of prohibited solid waste, including several cushions and a scrap tire, was observed disposed in the working face during the inspection. The prohibited solid waste was removed during the inspection, and the volume of solid waste removed did not exceed the regulatory limit established by statute to determine when a violation exists.
2. The sedimentation pond behind the office building has filled with sediment. In order to maintain compliance with all applicable rules, the pond should be dredged as soon as possible in order to ensure that it has sufficient capacity to function properly.

The owner(s) and operator of Elkrun Industries, Inc. need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Elkrun Industries, Inc. is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to "jerry.weber@epa.state.oh.us."

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3714. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, Elkrun Industries, Inc. is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Mr. Raymond R. Crawford
Elkrun Industries, Inc.
Caroline Crawford
Maureen Crawford
Darlene M. Figley
January 13, 2012
Page 6

If you have any questions, please feel free to contact me at (330) 963-1274, or e-mail me at "jerry.weber@epa.state.oh.us."

Sincerely,



Jerry W. Weber, R. S.
Environmental Specialist
Division of Materials and Waste Management

JWW:cl

cc: Mary Beth Jackson, Elkrun Industries, Inc. **Certified Mail 7011 0470 0002 3496 0736**
File: [Sowers/CONS/Elkrun Industries/COR/15]

ec: John Hujar, DMWM-NEDO
Joe Trocchio, DSW-NEDO
Lori Barnes, Columbiana County Health Department

4213