



**Environmental
Protection Agency**

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

May 29, 2012

**RE: CITY OF ELYRIA/GARDEN STREET LF
CLASS IV COMPOST FACILITY
LORAIN COUNTY
NOTICE OF VIOLATION**

Mr. Jim Hutchson
City of Elyria
328 Broad Street
Elyria, Ohio 44035

CERTIFIED MAIL 7010 3090 0000 3936 2940

Mr. Brian Madden
Mr. Bob Madden
Madden Bros., Inc.
66 Pearl Road
Brunswick, Ohio 44212

CERTIFIED MAIL 7010 3090 0000 3936 2957

Dear Gentlemen:

On May 22, 2012, 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 compliance with the Director's Findings and Orders (DFFOs) issued October 21, 2011.

During the time of the inspection, it was noted that a large amount of compost remains on site. See attached photos. This is a violation of **Order Numbers 3e and 3f of the DFFOs:**

- 3e. Not later than one hundred eighty (180) days after the effective date of these orders, Respondents shall remove all compost products and curing compost additive from the Landfill.
- 3f. Notwithstanding the specific compliance schedule set forth in "a" through "e" of this Order Number 3, Respondent shall comply with all applicable closure requirements as provided in OAC 3745-27-47.

The owner/operator is in violation of these Orders because compost products remain on site more than 180 days after the effective date of the orders. The end date for compliance was April 18, 2012.

In addition, other requirements contained in OAC Rule 3745-27-47, such as notifications, grading, etc., were not completed. Attached to this correspondence is a copy of OAC 3745-27-47.

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Although repair to the damaged areas of the final cover system was conducted, the certification report has not yet been received at this office. This is in violation of **Order Number 4 of the DFFOs:**

4. Not later than one hundred ninety (190) days after the effective date of these Orders, Respondents shall repair all damaged areas of the final cover system, and shall re-establish a final cover system in accordance with the capping requirements established in OAC Rule 3745-27-10 as effective July 29, 1976.

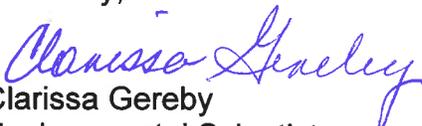
Please notify me, in writing by June 6, 2012, as to what corrective actions have been taken to return the facility to compliance.

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.

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 Materials and Waste Management

CG/cl
Attachments

cc: Holly Brinda, Mayor, Elyria City
David Oakes, Elyria City Health Department
Kelly Jeter, DMWM, CO
File: [Sowers/ COMP/Elyria City Garden Street/ COR/47]