



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

August 20, 2012

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

The Honorable Holly C. Brinda
Mayor, City of Elyria
131 Court Street, Suite 301
Elyria, Ohio 44035

CERTIFIED MAIL 7012 1010 0002 2260 0550

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

CERTIFIED MAIL 7012 1010 0002 2260 0567

Dear Mayor Brinda and Misters Madden:

On May 22, 2012, I conducted a site partial inspection of the Class IV Composting Facility located at the closed Garden Street Landfill located in Elyria, Lorain County, to determine the status of compliance with the Director's Findings and Orders (DFFOs) issued October 21, 2011.

On May 29, 2012, a Notice of Violation (NOV) was sent to you via certified mail. On June 6, 2012, Mayor Brinda responded to the NOV via certified mail (attached) and indicated that the violations will be addressed by July 27, 2012.

On August 14, 2012, I conducted a partial site inspection of the composting facility 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 Honorable Holly C. Brinda, Mayor, City of Elyria
Mr. Brian Madden and Mr. Bob Madden, Madden Bros., Inc.
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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.

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:

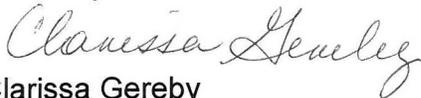
4. Not later than one hundred ninety (190) days after the effective date of these Orders Respondents shall repair all damaged areas of the final cover system, and shall reestablish a final cover system in accordance with the capping requirements established in OAC Rule 3745-27-10 as effective July 29,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

Madden Bros., Inc. and the City of Elyria's failure to comply with the DFF&Os and all applicable laws and regulations is a very serious matter. Because of the ongoing nature of these violations, this matter will be referred to Ohio EPA-Central Office for escalated enforcement action.

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



City of Elyria

Holly C. Brinda, MPA
Mayor

Elyria City Hall
131 Court Street, Suite 301
Elyria, OH 44035

Phone	440.326.1402
Fax	440.326.1426
TTY-TDD	440.326.1548

June 6, 2012

Certified Mail

Ms. Clarissa Gereby
Ohio EPA
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio

**Re: Notice of Violation, signed and dated May 29, 2012
Garden Street Landfill, Cap Investigation Notification
City of Elyria, Lorain County, Ohio**

Dear Ms Gereby,

In response to your notice of May 29, 2012, corrective actions, to date, have consisted of construction of the cap repairs and confirmation sampling/testing of the repairs. Due to unexpected conditions regarding the confirmation test results and personnel changes within AECOM (Mark Kittinger is no longer with the firm and a new project manager has been bringing himself up on all the goings on), the certification report has been delayed resulting in a delay of the mulching and seeding of the repaired areas. We respectfully request a 90-day extension to the original 180-day and 190-day order deadlines (July 17, 2012 and July 27, 2012, respectively) so that we may address these issues and complete the cap repairs to the satisfaction of the agency and as per the requirements of the Findings and Orders dated October 21, 2011.

Sincerely,

Holly C. Brinda
Mayor, City of Elyria

Cc: M. Siwierka, SSD; S. Serazin, Law Director; A. Klein; B. Madden, Madden Bros; R. Roelker – AECOM; file

