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

December 21, 2012

RE: NOTICE OF VIOLATION
2nd QUARTER FY 2013
COMPREHENSIVE INSPECTION
ELKRUN INDUSTRIES C&DD LANDFILL

Elkrun Industries, Inc.
9676 State Route 7
Rogers, Ohio 44455

CERTIFIED MAIL 7012 1010 0000 9467 7452

Mr. Raymond R. and Caroline Crawford
605 West Lincoln Way
Lisbon, Ohio 44432

CERTIFIED MAIL 7012 1010 0000 9467 7476

Maureen Crawford
36337 State Route 172
Lisbon, Ohio 44432

CERTIFIED MAIL 7012 1010 0000 9467 7483

Darlene M. Figley
2379 Brewton Avenue
Spring Hill, Florida 34608

CERTIFIED MAIL 7012 1010 0000 9467 7490

Dear Property Owners of the Elkrun Industries, Inc. C&DD Landfill:

On December 18, 2012, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a 2nd quarter F.Y. 2013 comprehensive inspection of the Elkrun Industries, Inc. C&DD Landfill (Elkrun), located at 9676 State Route 7 in Elkrun Township, Columbiana County. The weather was cold with light rain and scattered snow flakes and a temperature of approximately 40° F. I met with Mary Beth Jackson, representing the facility owner/operator prior to the inspection and Steve Sinsely, representing the facility owner/operator, during the inspection.

The purpose of the 2nd quarter F.Y. 2013 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.

The following violations were observed during the 2nd quarter F.Y. 2013 inspection:

1. **Surface Water.** During this inspection, surface water laden with sediment was observed running along the sides of the access road, over the unpaved access road and behind the office trailer, and into a drain that drains 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.

Muddy access road – facility entrance

Sediment laden water leaving facility via drain-Rt. 7

Sediment laden water leaving facility via drain

Sediment laden water generated by "wheel wash"

Elkrun is in violation because it failed to control surface water at the facility and allowed surface water 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."*

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, scrum 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.

The following observations were made during this inspection:

1. Solid waste was observed being removed from incoming loads deposited in the facility unloading zone and from the working face.

2. Scrap tires removed from the working face were observed piled in an area adjacent to the landfill. A tarp was observed covering most of the tires. It is recommended that scrap tires be removed from the facility and properly disposed on a regular basis in order to keep the pile small enough to easily tarp and manage. Please be aware that all tires must be transported by a registered scrap tire transporter. To find a registered scrap tire transporter in the State of Ohio, please follow the following link:

   http://www.epa.ohio.gov/portals/34/document/facility_lists/scrap_tire_transporters.pdf.

3. Only minimal amounts of mud were observed dragged from the facility onto Route 7.

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.

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: File: [Singh/CONS/Elkrun Industries/COR/15]

ec: Lori Barnes, Columbiana County Health Department