



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

January 28, 2013

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 January 3, 2013, I conducted an inspection of the Crock C&DD Landfill. There was no activity at the landfill or at your offsite recycling area during this inspection.

During this inspection, there were several inches covering both the landfill facility and the recycling area. I observed an area just past the entrance and to the right where a significant amount of clean hard fill consisting mostly of concrete has been placed. Much of this material that was documented on my previous inspection has been removed. Seed and mulch had been applied to the area where a slip or slope failure had previously been repaired at the toe of waste placement.

As a result of observations made during this inspection, the following violations have occurred at Crock C&DD Landfill:

#### **Operating License-Special Terms & Conditions**

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:

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.

#### **October 29, 1999 Director's Orders-**

**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. 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.

Additional violations of OAC Rules include:

**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 facility appears to be filled above the originally approved vertical limits of waste placement. This is documented in the survey provided by your engineer, Jamie Hendershot dated September 30, 2009.

Ohio EPA has reviewed the plan drawings prepared by Hendershot Land Surveying which were prepared as ordered by the July 26, 2012 Noble County Court of Common Pleas Settlement Agreement. Those plan drawings also indicate the facility is filled above the originally approved limits.

**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.

A significant amount of waste has been disposed outside the previously licensed limits of your facility in violation of this OAC Rule. A large amount of waste has been placed just outside the entry to the facility. You have been segregating out dimensional lumber for recycling into mulch. However, much of the waste material has not been recycled. Ohio EPA has determined this to be illegal disposal.

During this inspection, I also observed conditions of the nearby recycling area where you have continued to receive waste to process for recycling. There was no activity in this area during my inspection. As you have been advised in the past, Ohio EPA has determined that the screened material coming from the separator screener must be managed as a solid waste. There is an area northwest of the C&DD facility where the screened material was placed in a large pile.

The following violations were observed in the recycling area during this inspection:

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**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 in past inspections has contained cardboard, packaging, mattresses, tires, and other solid waste. I was unable to make any determination regarding this on January 3 due to snow cover. However, Ohio EPA has determined that the area northwest of the facility where fines from your separator screener have been stockpiled violates this OAC Rule.

**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 of the C&DD and solid waste outside your licensed facility and the material you have removed from your landfill and placed outside the boundary of your licensed facility constitutes illegal disposal of C&DD. In addition, there is a significant amount of solid waste and C&DD dumped in the area northwest of the facility.

A significant amount of waste has been disposed outside your facility. All of this waste must be removed for legitimate disposal in a licensed landfill or legitimately recycled. To date, the only material that has been processed and prepared to be marketed appears to be the clean wood waste separated from the unsorted waste pile. Material such as shingles, vinyl siding, drywall and other demolition debris and solid wastes do not appear to have been recycled in any manner.

Please respond to this letter within 15 days detailing your actions taken to abate the above cited violations. Please contact me at 740/380-5219 if you have any questions regarding this inspection of the Crock C&DD facility.

Sincerely,



Peter C. Thompson  
Division of Materials & Waste Management

PT/mr

cc: Jim Warren, Noble County Health Department  
Matt Boyer, Ohio EPA, DMWM  
Nick Bryan, Ohio AGO