



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

April 24, 2013

**RE: NORTH OLMSTED CLASS IV
COMPOST FACILITY
CUYAHOGA COUNTY
NOTICE OF VIOLATION**

Mr. Scott Thomas
Safety/Service Director
City of North Olmsted
5200 Dover Center Rd.
North Olmsted, Ohio 44070

Dear Mr. Thomas:

On April 12, 2013, a site inspection was conducted at the Class IV compost facility on Bradley Road in North Olmsted (Registration Number 18-C4R-0144). Lynn Sowers, Joshua Adams and I, representing Ohio Environmental Protection Agency (Ohio EPA); Mike Sekerak and Colin Johnson, representing Cuyahoga County Health Department; and Dave Wendell, representing the City of North Olmsted, were present during the inspection.

A leachate collection area is located in a low area of the property located north of the material being composted. A berm runs along the west, north and east perimeters of the leachate collection area and appears to be constructed of gravel, concrete and dirt. At the time of the inspection, the accumulated leachate was being pumped from the leachate collection area to a newly installed connection to the sanitary sewer line.

While walking the berm surrounding the leachate collection area, it was noted that leachate was discharging from below the constructed berm at three separate locations. The leachate flowed west and north from the leachate collection area and into an unnamed tributary of French Creek running along the east and north perimeter of the compost facility.

The owner/operator of the North Olmsted compost facility is in violation of the following rules and regulations:

1. **Ohio Administrative Code (OAC) 3745-560-410(H)**: *“Operational control. The owner or operator shall operate the composting facility in such a manner that does the following:*

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(5) *Prevents the creation of water pollution as to not violate Chapter 6111. of the Revised Code or any rules adopted thereunder.*

2. **Ohio Administrative Code (OAC) 3745-27-410(N)**: *“Leachate management. The owner or operator shall do the following:*

(1) *Take action to minimize the production of leachate.*

(2) *Eliminate ponding of leachate and the conditions that contribute to the discharge of leachate from the composting facility.*

(3) *Collect and contain leachate within the boundary of the composting facility and prevent leachate from discharging to waters of the state. Leachate may be collected and contained for reintroduction into the composting process.*

(4) *If applicable, maintain any structures or mechanisms used for the collection or containment of leachate to prevent blockage, clogging, leakage, or breakage that may impede proper collection or containment of leachate.”*

3. **Ohio Revised Code (ORC) Chapter 6111.04**: *“(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state. (2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.”*

The City of North Olmsted must immediately undertake corrective action with respect to the above noted violations. Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 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.

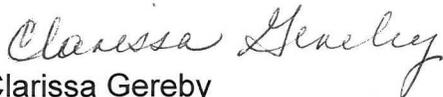
Within 14 days of receipt of this letter, please submit a written plan of the action steps, both current and anticipated, to address the violations cited above. The submittal should include dates by which any corrective measures are to be implemented. Ohio EPA may request detailed plans on the specific control measures at a later date.

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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 correspondence, please do not hesitate to call me at (330) 963-1224, or e-mail me at "clarissa.gereby@epa.ohio.gov."

Sincerely,



Clarissa Gereby
Environmental Specialist
Division of Materials and Waste Management

CG/cl

cc: Mike Sekerak, CCBH
Dave Wendell, City of North Olmsted
File: [Sowers/COMP/Cuyahoga/Gen/18]