



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

May 17, 2013

**RE: NOTICE OF VIOLATION  
3<sup>rd</sup> QUARTER FY 2013  
COMPREHENSIVE INSPECTION  
ELKRUN INDUSTRIES C&DD LANDFILL**

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

**CERTIFIED MAIL 7012 3460 0002 1240 8000**

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

**CERTIFIED MAIL 7012 3460 0002 1240 7997**

Maureen Crawford  
36337 State Route 172  
Lisbon, Ohio 44432

**CERTIFIED MAIL 7012 3460 0002 1240 7980**

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

**CERTIFIED MAIL 7012 3460 0002 1240 7973**

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

On February 27, 2013, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a 3<sup>rd</sup> 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. I was accompanied by Joe Trocchio, representing the Ohio EPA Division of Surface Water, during this inspection. The weather was cold with 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 3<sup>rd</sup> 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.

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The following violations were observed during the 3<sup>rd</sup> quarter F.Y. 2013 inspection:

1. **Surface Water/Water Pollution.** During this inspection, surface water laden with sediment was observed running along the sides of the access road, over the unpaved access road, and both behind the office trailer and along the north side of the scales prior to running into drains that drain underneath State Route 7 and into an unnamed tributary to Turkeyfoot Run. Leachate was also observed running down the side of the yellow leachate tank located on the north side of the access road, across the ground on the north side of the scales, out to concrete pad at the entrance to the facility, and into the grate which drains underneath State Route 7 and into an unnamed tributary to Turkeyfoot Run.

The owner/operators of Elkrun failed to control surface water at the facility and allowed surface water laden with sediment to flow into waters of the state, and, because it failed to properly manage leachate at the facility. The owner/operators of Elkrun allowed leachate to flow into the waters of the state. Failure to control surface water and leachate, 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, scum 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.*
  - (D)** *Free from substances entering the waters as a result of human activity in concentrations that are toxic or harmful to human, animal or aquatic life and/or are rapidly lethal in the mixing zone."*

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- c. **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.”*

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 laws and regulations.

2. **Engineered Components.** During this inspection, surface water diversion ditches located at the toes of various slopes around the facility were observed to be not functioning as intended. Ditches were observed to have been eroded through the cover soils and prior capped/certified areas into emplaced debris. Silting and scouring has occurred in many of these surface water ditches. The ditches have also meandered and have left their original channels and either created new non-engineered channels, or have widened to the point where they are no longer functioning properly. Failure to maintain surface water ditches at the facility has resulted in violations of the following:

- a. **OAC Rule 3745-400-11(E)(1)**: *“The owner or operator shall operate the facility to accommodate the following...The owner or operator shall maintain the integrity of the engineered components of the facility and repair any damage to or failure of the components. ‘Engineered components’ includes the components described in rule 3745-400-07 of the Administrative Code and components of the ground water monitoring system(s) installed in accordance with rule 3745-400-10 of the Administrative Code.”*
- b. **OAC Rule 3745-400-11(Q)(4)**: *“The owner of operator shall control surface and ground water to minimize the generation of leachate in the following manner...If silting or scouring occurs in surface water structures, the owner or operator shall correct the conditions causing the silting or scouring and shall repair the surface water drainage structures.”*

In order to return to compliance with these rules, the owner(s) or operator must immediately repair all damage to or failure of the surface water ditches at this facility. Repairs shall include correcting silting and scouring of the ditches, as well as correcting the conditions that are causing the silting or scouring. The facility owner(s) or operator shall also re-construct any ditches that require reconstruction in order to ensure that they are functioning as intended.

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3. **Litter.** During this inspection, litter was observed scattered in the facility's surface water channels, on landfill side slopes, and in areas located to the east of waste placement. Elkrun is in violation because it failed to employ all reasonable measures to collect, properly contain, and dispose of scattered litter at the active licensed disposal area of the facility. Failure to employ all reasonable measures to collect, properly contain, and dispose of scattered litter at the active licensed disposal area of the facility has resulted in a violation of the following:

- a. **OAC Rule 3745-400-11(L):** *"The owner or operator shall employ all reasonable measures to collect, properly contain, and dispose of scattered litter at the active licensed disposal area of a facility, including frequent policing of the area and the use of portable wind screens where necessary."*

In order to return to compliance with this rule, the owner(s) or operator must immediately employ all reasonable measures to collect, properly contain, and dispose of scattered litter at the active licensed disposal area of the facility, and remove and properly dispose of all scattered litter in all areas of the landfill facility and surrounding property.

4. **Leachate.** During this inspection, leachate was observed leaking from the pipe leading into the yellow leachate tank located on the north side of the access road, north of the office trailer. Specifically, leachate was observed leaking from the connection between the black leachate pipe and the white elbow that sits inside the top of the tank. The leachate then flowed onto the top of the leachate tank, down the side of the leachate tank, across the ground on the north side of the scales, out to the concrete pad at the entrance to the facility, and into the grate which drains underneath State Route 7 and into an unnamed tributary to Turkeyfoot Run. The owner/operators of Elkrun failed to operate and maintain the leachate collection system and to manage and dispose of leachate in accordance with applicable regulations at the facility. Failure to operate and maintain the leachate collection system and to manage and dispose of leachate in accordance with applicable regulations at the facility has resulted in a violation of the following:

- a. **OAC Rule 3745-400-11(P)(3):** *"The owner or operator shall operate and maintain the leachate collection system as follows...The owner or operator shall manage and dispose of leachate in accordance with applicable regulations."*

- b. **OAC Rule 3745-400-11(E)(1)**: *“The owner or operator shall maintain the integrity of the engineered components of the facility and repair any damage to or failure of the components.”*

In order to return to compliance with this rule, the owner(s) or operator must immediately operate and maintain the leachate collection system and manage and dispose of leachate in accordance with applicable regulations.

5. **Ponded Water.** During this inspection, ponded water was observed in various locations on the active licensed disposal area of the landfill, within the limits of current waste placement. Ponded water was observed within the facility access road leading to the facility working face, as well as along the sides of the facility access road. Failure to grade the facility and provide drainage systems to ensure minimal infiltration of water through the cover material and to correct the conditions causing the ponding have resulted in violations of the following:

- a. **OAC Rule 3745-400-11(Q)(2)**: *“The owner or operator shall control surface and ground water to minimize the generation of leachate in the following manner...The owner or operator shall grade the facility and provide drainage systems to insure minimal infiltration of water through the cover material and cap system as well as erosion of the cover material and cap system.”*
- b. **OAC Rule 3745-400-11(Q)(3)**: *“The owner or operator shall control surface and ground water to minimize the generation of leachate in the following manner...If ponding or erosion occurs in active or inactive licensed disposal areas, the owner or operator shall correct the conditions causing the ponding or erosion.”*

In order to return to compliance with these rules, the owner(s) or operator must immediately grade the facility and provide drainage systems to insure minimal infiltration of water through the cover material and correct the conditions causing the ponding.

6. **Inclement Weather.** During this inspection, facility access roads were in extremely poor condition. It was observed during this inspection that the facility operator actually had to pull a fully loaded semi up the hill in order to get it to the facility unloading zone. Failure to ensure that preparations for inclement weather were made and to maintain all-weather access roads leading to the facility unloading zone and working face have resulted in a violation of the following:

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- a. **OAC Rule 3745-400-11(J)**: *“The owner or operator shall ensure that preparations have been made to receive, spread, and cover debris during inclement weather. Preparations shall include designated areas where debris will be deposited, spread, and covered during inclement weather, all-weather access roads leading to these designated areas, and stockpiles of cover material.”*

In order to return to compliance with this rule, the owner(s) or operator must immediately ensure that preparations for inclement weather are made and that all weather access roads leading to the facility unloading zone and working face are maintained.

7. **Open Dumping of Solid Waste.** During this inspection, open dumping of solid waste was observed in an area of the facility located to the southwest of the current working face. Solid wastes observed open dumped at this location included, but were not limited to, a toy car tire, a bicycle tire, plastic piping, a garden hose, a sliding board, plastic buckets, and various other solid wastes. These solid wastes were observed to be both open dumped on the ground and partially buried with soil. The open dumping of solid waste observed at this location has resulted in violations of the following:

- a. **ORC Section 3734.03**: *“No person shall dispose of solid wastes by open burning or open dumping...”*
- b. **ORC Section 3734.02(C)**: *“...no person shall establish a new solid waste facility...without submitting an application for a permit...and receiving a permit issued by the director...”*
- c. **ORC Section 3734.05(A)(1)**: *“...no person shall operate or maintain a solid waste facility without a license issued under this division...by the director of environmental protection...”*
- d. **ORC Section 3734.05(A)(2)**: *“...each person proposing to open a new solid waste facility...shall submit an application for a permit...to the environmental protection agency for required approval under the rules adopted under division (D) of section 3734.121 of the Revised Code at least two hundred seventy days before proposed operation of the facility...”*

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- e. **ORC Section 3734.11(A)**: *“No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code.”*
- f. **OAC Rule 3745-27-05(C)**: *“No person shall conduct, permit, or allow open dumping.”*
- g. **OAC Rule 3745-37-01(A)**: *“No person shall conduct municipal solid waste landfill...operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from...the director...”*

In order to return to compliance with these rules, the owner(s) or operator must immediately remove all unlawfully disposed solid wastes from this facility and properly dispose of them at a licensed solid waste disposal facility. Receipts providing proof of disposal at a licensed solid waste facility must be provided to Ohio EPA. The owners of this property must also take all necessary measures to prevent additional solid waste from being open dumped on this property.

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](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 State Route 7.

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4. The facility operator routinely removes recyclable metals from incoming loads of debris and piles them in various areas of the facility. It is recommended that the facility maintain portable containers for the purpose of accumulating these metal items prior to their removal from the facility for recycling.
5. Significant areas of the current area of waste placement exhibited insufficient cover soils to cover emplaced debris. In order to operate the facility in a manner that prevents fires, the owner(s) or operator must cover all disposed combustible debris on a weekly basis with soil. Covering means to apply soil in such a manner that combustible debris is not visible.
6. On the northwest corner of the property, along State Route 7, an undocumented pipe located in the hillside is discharging large volumes of water to the roadside right-of-way. Due to the proximity of the landfill as well as past mining activities at this property, this effluent must be sampled for all potential contaminants from the site. The results of the analysis of this water will allow Ohio EPA to confirm whether an unauthorized discharge exists from this facility.

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 "john.hujar@epa.ohio.gov."

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.

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If you have any questions, please feel free to contact me at (330) 963-1122, or e-mail me at "john.hujar@epa.ohio.gov."

Sincerely,



John Hujar, R. S.  
Environmental Specialist  
Division of Materials and Waste Management

JH/cl

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

ec: Jerry Weber, DMWM-NEDO  
Joe Trocchio, DSW-NEDO  
Bruce McCoy, DMWM-CO  
Kelly Jeter, DMWM-CO  
Melinda Berry, DMWM-CO  
Lori Barnes, Columbiana County Health Department

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**ELKRUN INDUSTRIES INC. C&DD LANDFILL PHOTOS FROM FEBRUARY 27, 2013**  
**INSPECTION**



**Sediment laden waters bypassing surface water ponds & entering storm drain which drains underneath State Route 7**

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**Sediment laden waters discharging from behind office trailer into storm drain.**

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**1) Scattered litter in surface water ditch; 2) Failure of engineered component (ditch).**

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**1) Failure of engineered component (ditch); 2) Scattered litter in surface water ditch.**

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**Failure of engineered components (ditch & cap) in northern certified/capped area.**

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**Failure of engineered components (ditch & cap) in northern certified/capped area.**

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**Scattered litter on eastern side of southern expansion area in failed engineered ditch.**

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**Scattered Litter east of southern expansion area outside ALDA.**



**Leachate leaking from leachate tank piping directly to ground surface.**



**Leachate flowing from leachate tank near scale, directly to waters of the state.**

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**Ponded water areas along northern area of southern expansion area.**

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**Ponded water areas.**

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**Truck being pulled to working face in southern expansion area.**

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**Truck being pulled to working face in southern expansion area.**

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**Insufficient weekly cover on northern area of southern expansion area.**



**Open dumping of solid waste on the southwest area of facility outside ALDA limits.**

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**Open dumping of solid waste on the southwest area of facility outside ALDA limits.**

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**Discharge from pipe along State Route 7.**

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Discharge from pipe along State Route 7.