



**Environmental
Protection Agency**

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

CERTIFIED MAIL

June 20, 2012

Elkrun Industries, Inc.
9776 State Route 7
Rogers, OH 44455

Raymond R. Crawford
Caroline Crawford
605 West Lincoln Way
Lisbon, OH 44432

Maureen E. Crawford
36337 SR 172
Lisbon, OH 44432

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

**Re: Expedited Settlement Agreement
and Director's Order**

Dear Sir or Madam:

Transmitted herewith is an Expedited Settlement Agreement and Director's Order ("ESA") issued on June 20, 2012 concerning the matter indicated.

If you have any questions, please contact Marty Cooper at (614) 644-3037.

Sincerely,

Georgia Frakes, Management Analyst
Division of Materials and Waste Management

Enclosure

cc: Melinda Berry, DMWM, CO
Marty Cooper, Legal

II. FINDINGS

1. Respondents Raymond R. Crawford, Caroline C. Crawford, Maureen E. Crawford, Darlene M. Figley and Elkrun Industries, Inc., own and/or operate a construction and demolition debris disposal landfill (the "Facility"), which is located at 9676 State Route 7, Rogers (Columbiana County), Ohio. The Facility is comprised of the following parcel numbers identified on the Columbiana County Auditor's website:
 - a. parcel number 12-00145.000, approximately 12.227 acres owned by Respondents Raymond R. Crawford, Darlene M. Figley, and Maureen E. Crawford;
 - b. parcel number 12-00144.000, approximately 28.089 acres owned by Respondents Raymond R. Crawford, Darlene M. Figley, and Maureen E. Crawford;
 - c. parcel number 45-00075.001, approximately 4.0 acres owned by Respondent Raymond R. Crawford;
 - d. parcel number 12-01589.000, approximately 19.31 acres owned by Respondent Elkrun Industries, Inc.;
 - e. parcel number 12-01585.000, approximately 20.809 acres owned by Respondent Elkrun Industries, Inc.; and
 - f. parcel number 12-00367.000, approximately 38.80 acres owned by Respondent Elkrun Industries, Inc.
2. The Facility is a "construction and demolition debris facility" ("C&DD") as defined under Ohio Administrative Code ("OAC") Rule 3745-400-01(G).
3. Each Respondent is a "property owner" or an "owner" which for purposes of this ESA means the person who holds title to the property on which the construction and demolition debris disposal facility is located as that term is defined in OAC Rule 3745-400-01(E).
4. Respondent Elkrun Industries, Inc. is a "construction and demolition debris facility operator" or "operator" which for purposes of this ESA means the person the Respondents have identified as responsible for the on-site supervision of technical operations and maintenance of a construction and demolition facility, or any parts thereof, which may affect the performance of the facility and its potential environmental impact and/or the person who has been designated by

the owners with the authority to make discretionary decisions concerning the daily operations of the construction and demolition debris disposal facility as that term is defined in OAC Rule 3745-400-01(I).

5. Each Respondent is a "person" as defined under ORC Section 3714.01(H) and OAC Rule 3745-400-01(DD).
6. On December 17, 2009, Ohio EPA conducted an inspection of the Facility and observed the following violations:
 - a. OAC Rule 3745-400-11(H)(1) by failing to apply sufficient weekly cover and operate the facility in a manner that prevents fires;
 - b. ORC 3714.021(B) and OAC Rule 3745-400-11(F)(2) for illegal disposal of solid waste at a C&DD facility;
 - c. OAC Rule 3745-400-11(F)(3)(a) for failure to unload debris in a clearly designated and marked unloading zone separate from the working face;
 - d. OAC Rule 3745-400-11(F)(3)(b) for failure to clearly mark the limits of the unloading zone with at least two markers;
 - e. ORC Section 3734.03 and OAC Rule 3745-27-05(C) for open dumping;
 - f. OAC Rule 3745-400-11(L) for failure to collect, properly contain, and dispose of litter.

Ohio EPA documented these violations in a notice of violation ("NOV") letter to Respondents Elkrun Industries, Inc. and Raymond R. Crawford dated December 21, 2009.

7. On April 21, 2010, Ohio EPA conducted an inspection of the Facility and observed the following violations:
 - a. OAC Rule 3745-27-60(C) for failure to employ mosquito control measures;
 - b. OAC Rule 3745-27-60(D)(4) for failure to apply mosquito control within 24 hours after discovery of larvae.

Ohio EPA documented these violations in an NOV letter to Respondents Elkrun Industries, Inc., and Raymond R. Crawford dated April 23, 2010.

8. On September 29, 2010, Ohio EPA conducted an inspection of the Facility and observed the following violations:

- a. OAC Rule 3745-400-11(F)(3)(a) for failure to unload debris in a clearly designated and marked unloading zone separate from the working face;
- b. OAC Rule 3745-400-11(F)(3)(b) for failure to clearly mark the limits of the unloading zone with at least two markers;
- c. OAC Rule 3745-27-60(C) for failure to employ mosquito control measures;
- d. OAC Rule 3745-27-60(D)(4) for failure to apply mosquito control within 24 hours after discovery of larvae.

Ohio EPA documented these violations in an NOV letter to Respondents Elkrun Industries, Inc. and Raymond R. Crawford dated October 14, 2010.

9. On March 9, 2011, Ohio EPA conducted an inspection of the Facility and observed silt-laden surface water leaving the facility in violation of OAC Rule 3745-400-11(B)(16) for failure to control surface water and allowing water pollution. By NOV dated March 24, 2011, Ohio EPA informed Respondents Elkrun Industries, Inc. and Raymond R. Crawford of this violation.
10. On June 30, 2011, Ohio EPA conducted an inspection of the Facility. At the time of the inspection, Ohio EPA did not observe any violations. Ohio EPA documented this inspection in correspondence to all Respondents dated January 13, 2012.
11. On September 27, 2011, Ohio EPA conducted an inspection of the Facility and observed several unrepaired leachate outbreaks in violation of OAC Rule 3745-400-11(O)(3). By NOV dated January 13, 2012, Ohio EPA informed all Respondents of this violation.
12. On December 7, 2011, Ohio EPA conducted an inspection of the Facility and observed the following violations:
 - a. OAC Rule 3745-400-11(B)(16) for failure to control surface water and allowing water pollution;
 - b. OAC Rule 3745-1-04 for failure to keep waters of the state free from floating debris and materials producing color, odor or other conditions as to cause a nuisance;
 - c. OAC Rule 3745-400-11(O) for failure to repair leachate outbreaks; and
 - d. OAC Rule 3745-400-11(P)(3) for failure to operate and maintain the leachate collection system so as to manage and dispose of leachate in accordance with applicable regulations.

By NOV dated January 13, 2012, Ohio EPA informed all Respondents of these violations. To date, Respondents remain in violation of the water pollution control and leachate management requirements.

Ground Water Monitoring Violations

13. On December 2, 2010, Ohio EPA sent Respondents Elkrun Industries, Inc. and Raymond R. Crawford an NOV letter that documented the following ground water monitoring violations at the Facility:
 - a. OAC Rule 3745-400-11(A) for failure to comply with the requirements and operational criteria specified in this rule until final closure has been completed in accordance with OAC Rule 3745-400-12, and the closure certification as required by OAC Rule 3745-400-08(D) has been submitted to and written concurrence received from Ohio EPA;
 - b. OAC Rule 3745-400-11(D)(4) for failure to implement the ground water monitoring plan in accordance with paragraph (R) of this rule, and the information submitted in the license application required by OAC Rules 3745-37-02 and 3745-400-09. For the purpose of this rule, implement means to commence ground water sampling;
 - c. OAC Rule 3745-400-11(R)(3) for failure to implement a ground water monitoring program in accordance with OAC Rule 3745-400-10 prior to accepting debris for disposal. For the purpose of this rule, implement means to install the ground water monitoring system and begin sampling;
 - d. OAC Rule 3745-400-10(A) for failure to have each phase of the ground water monitoring well system described by a qualified ground water scientist in the license application submitted prior to the placement of debris in the fill area relevant to that phase;
 - e. OAC Rule 3745-400-10(B) for failure to annually determine (by September thirtieth of each year) in 2009 and 2010 the quality of ground water from wells that are part of the ground water monitoring well system required by paragraph (A) of this rule and certain constituents in the leachate from the leachate collection system required by OAC Rule 3745-400-07(F);
 - f. OAC Rule 3745-400-10(C)(3) for failure to (after the initial year) at least annually sample all monitoring wells and the leachate collection system and analyze the samples for the parameters 1 to 19 listed in the appendix of this rule.

Respondents began ground water monitoring in November 2010.

The Expedited Settlement Agreement (ESA)

14. In consideration of the benefits of prompt compliance to the public and other factors as justice may require, and upon consideration of the entire record, this ESA is an appropriate mechanism to resolve the noncompliance detailed in these Findings.

III. ORDERS

1. Within sixty (60) days from the date of the receipt by Respondents of the Director's letter inviting Respondents to sign this ESA, Respondents shall meet with a third-party environmental engineer/consultant to develop an action plan to oversee all construction at the Facility requiring certification and to ensure compliance with all approved permits, plans, specifications and operating procedures, including surface water controls and leachate management. The consultant shall prepare a compliance plan within this sixty (60) day period.

Copies of Respondent's compliance plan documents shall be sent to:

Ohio Environmental Protection Agency
DMWM-CO
Attn: Enforcement Supervisor
P.O. Box 1049
Columbus, Ohio 43216-1049

and

Ohio Environmental Protection Agency
Northeast District Office
Attn: DMWM (Jerry Weber)
2110 East Aurora Road
Twinsburg, Ohio 44087

2. Within sixty (60) days from the date of the receipt by Respondents of the Director's letter inviting Respondents to sign this ESA, Respondents shall pay to the Ohio EPA the amount of six thousand thirty dollars and fifty cents (\$6,030.50) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to Sections 3714.11 and 3734.13 of the Ohio Revised Code. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for the full amount, and shall be deposited in the environmental remediation fund established pursuant to ORC Section 3734.281. Payment shall be mailed to the following address: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying

Respondents and the location of the noncompliance detailed in the Findings of this ESA.

A photocopy of the check shall be sent to Ohio EPA at the address listed below:

Ohio Environmental Protection Agency
Division of Materials and Waste Management
Supervisor, Processing/Records Management
P.O. Box 1049
Columbus, Ohio 43216-1049

IV. TERMINATION

Respondents' obligations under this ESA shall terminate upon Ohio EPA's receipt of the civil penalty payment required by this ESA and confirmation of Respondents' meeting with a third party engineer/consultant and the development and submittal of an action plan to address construction and operational issues.

V. RESERVATION OF RIGHTS AND WAIVER

Ohio EPA and Respondents each reserve all rights, privileges and causes of action, except as specifically waived herein.

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in this ESA, Respondents consent to the issuance of this ESA and agree to comply with this ESA. Compliance with this ESA shall be a full accord and satisfaction of Respondents' liability for the violations specifically cited herein.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of this ESA, and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of this ESA either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents agree that if this ESA is appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents shall comply with this ESA notwithstanding such appeal and intervention unless this ESA is stayed, vacated, or modified.

VI. EFFECTIVE DATE

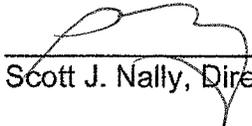
The effective date of this ESA is the date this ESA is entered into the Ohio EPA Director's journal.

VII. SIGNATORY AUTHORITY

Each undersigned representative or party to this ESA certifies that he or she is fully authorized to enter into this ESA and to legally bind such party to this ESA.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

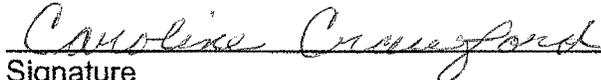


Scott J. Nally, Director

June 20, 2012
Date

IT IS SO AGREED:

Elkrun Industries, Inc.

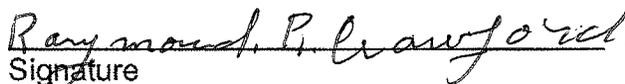


Signature

5-31-2012
Date

Caroline Crawford
Printed or Typed Name

Pres.
Title



Signature

5-31-2012
Date

RAYMOND P. CRAWFORD
Printed or Typed Name

Property Owner
Title

Caroline Crawford
Signature

5-31-2012
Date

Caroline Crawford
Printed or Typed Name

Property Owners
Title

Maureen E. Crawford
Signature

5/31/12
Date

MAUREEN E. CRAWFORD
Printed or Typed Name

Property Owner
Title

Signature

Date

Printed or Typed Name

Title

Darlene M. Figley
Signature

6/8/12
Date

DARLENE M FIGLEY
Printed or Typed Name

PROPERTY OWNER
Title

Signature

Date

Printed or Typed Name

Title

Signature

Date

Printed or Typed Name

Title

Ohio EPA Invoice/Receipt

Date Printed: June 22, 2012

Revenue ID: 880566

Please include this Revenue ID with all correspondence.

Place ID: 6673

Information: Elkrun Industries Inc
9676 State Rte 7
Rogers, OH 44455-

Due Date:

Amount Due:

Effective Date: June 04, 2012

Revenue Description: DSIWM- Findings and Orders/Consent Orders

Program Name: Solid Waste Programs

Reason: Penalty resulting from Expedited Settlement Agreement (ESA) Orders

For some Revenues, Interest and/or Penalties may be charged for late payment.

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

Remittance Advice

Detach Here - Please Return This Portion With Your Payment

Place ID: 6673

Information: Elkrun Industries Inc
9676 State Rte 7
Rogers, OH 44455-

Due Date:

Amount Due:

Secondary Type/Id: ALTON / Antonietta'S Italian R

Revenue Type: DSIFO

Amount Enclosed: \$ _____

Please write this number on your check. Revenue ID: 880566

Make check or money order payable to "Treasurer, State of Ohio"

Remit to: Ohio Environmental Protection Agency - OFA
Department L-2711
Columbus, OH 43260-2711

For Ohio EPA use only

Check ID: _____

Check Date: _____

Check Number: _____

Check Amount: \$ _____