



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

CERTIFIED

October 16, 2013

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

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

Caroline C. 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: Director's Final Findings and Orders
Elkrun Industries, Inc. Construction and Demolition Landfill**

Dear Sir or Madam:

Transmitted herewith are Final Findings and Orders of the Director concerning the matter indicated.

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

Sincerely,

A handwritten signature in cursive script that reads "Georgia Frakes".

Georgia Frakes, Management Analyst
Division of Materials & Waste Management

Enclosure

ec: Scott Hester, DMWM, CO
Jeff Hurdley, Legal
John Cayton, AGO

OHIO E.P.A.

OCT 16 2013

BEFORE THE

ENTERED DIRECTOR'S JOURNAL
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

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

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

Caroline C. Crawford
605 West Lincoln Way
Lisbon, Ohio 44432

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2379 Brewton Avenue
Spring Hill, FL 34608

Director's Final Findings and Orders

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Donna Cassler Date: 10-14-13

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3714.04.

II. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3714. and the rules promulgated thereunder.

III. FINDINGS

The Director of Ohio EPA ("Director") has determined the following 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.

2. Ohio Administrative Code ("OAC") Rule 3745-400-13(A) requires an owner or operator of a construction and demolition debris facility to establish and maintain financial assurance for final closure of the facility, and OAC Rule 3745-400-18(A) requires the owner or operator to establish and maintain financial assurance for post-closure care of the facility.
3. Elkrun Industries, Inc. ("Elkrun") applied for a license to operate the Facility on September 28, 2012. In its application for a construction and demolition debris license, Elkrun included a financial assurance cost estimate for final closure and post-closure care totaling \$ 2,249,226.21
4. The Director of Ohio EPA issued Elkrun a license to operate the Facility on December 28, 2012 (2013 C&DD License #CID6673) that approved the financial assurance cost estimate of \$2,249,226.21. In addition, the Director issued a modification to the license on June 10, 2013, that continued to rely on the cost estimate of \$2,249,226.21.
5. Unless an owner or operator of a construction and demolition debris facility has opted to come under the provisions of OAC Rule 3745-400-25, OAC Rule 3745-400-13(A)(2) requires that financial assurance be funded in an amount not less than the final closure cost estimate calculated in accordance with paragraph (A)(1) of OAC Rule 3745-400-13, and OAC Rule 3745-400-18(A)(2) requires that financial assurance be funded in an amount not less than the post-closure care cost estimate calculated in accordance with paragraph (A)(1) of OAC Rule 3745-400-18.
6. Elkrun chose to be subject to the five year transition for funding a portion of final closure and post-closure care financial assurance for the Facility in lieu of full funding as required by paragraph (A)(2) of rules OAC 3745-400-13 and OAC 3745-400-18, respectively. Consequently, Elkrun is required to fund and maintain final closure and post-closure care financial assurance in accordance with the requirements of OAC Rule 3745-400-25 utilizing the cost estimate for closure and post-closure care approved in the license for the Facility.
7. Elkrun filed a Notice of Appeal of the 2013 C&DD License #CID6673 on January 25, 2013. Elkrun alleged that the Director unlawfully and unreasonably required Elkrun to use a cost estimate for financial assurance for the Facility that does not reflect the actual cost of final closure and post-closure care of the Facility.
8. Elkrun asserts that the cost estimate for final closure and post-closure care of the

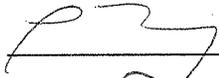
Facility should be \$2,134,198.50 and has supplied information to Ohio EPA in support of its assertion.

9. Pursuant to ORC Section 3714.04, the Director may issue an order exempting any person disposing of or proposing to dispose of construction and demolition debris in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment, or to create a fire hazard, from any provision of Chapter 3714 or a rule adopted or order issued under it, other than division (B)(2) of section 3714.03 or division (E) of section 3714.13 of the Revised Code. As such, the director may exempt Elkrun from the requirement under OAC Rule 3745-400-25 to utilize the approved cost estimate of \$2,249,226.21 to fund and maintain financial assurance for final closure and post-closure care of the Facility and instead rely on a cost estimate of \$2,134,198.50; provided such exemption is unlikely to adversely affect the public health or safety or the environment, or to create a fire hazard.
10. Pursuant to ORC Section 3714.04, the Director of Ohio EPA has determined that in light of the information supplied by Elkrun regarding the estimated cost of performing final closure and post-closure care of the Facility, reducing the cost estimate for final closure and post-closure care of the Facility from \$2,249,226.21 to \$2,134,198.50 for purposes of funding and maintaining financial assurance in accordance with OAC Rule 3745-400-25 is unlikely to adversely affect the public health or safety or the environment, or to create a fire hazard.

IV. ORDERS

1. Pursuant to ORC Section 3714.04, the cost estimate approved in the 2013 C&DD License #CID6673, as modified on June 10, 2013, for the Facility is reduced from \$2,249,226.21 to \$2,134,198.50 for purposes of funding and maintaining financial assurance for final closure and post-closure care of the Facility in accordance with the requirements of OAC Rule 3745-400-25. As a result, the Facility's funding obligation under the Five Year Transition Rule, OAC Rule 3745-400-25 is \$763,763.70 for 2013. This exemption shall not apply to any construction and demolition debris facility other than as described in Finding Number 1 of these Orders, and only applies to the construction and demolition debris facility license issued to the Facility for 2013.

IT IS SO ORDERED



Scott J. Nally, Director

Ohio Environmental Protection Agency