



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

September 22, 2020

Crock Construction Company
17990 SR 78
Caldwell, OH 43724

**Re: Crock Construction C&DD
Director's Final Findings and Orders (DFFO)
DFFO
Construction & Demolition Debris
Noble County
CDDL018884**

Subject: Final Findings and Orders

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for **Crock Construction C&DD**.

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

Sincerely,

Jeri Main

Jeri Main
Division of Materials & Waste Management

ec: Teri Finrock, DMWM, Legal
Robin Nichols, DMWM, Legal
Carl Mussenden, DMWM, CO
Bruce McCoy, DMWM, CO
Rich Fox, DMWW, SEDO
Ericka Jackson, DMWM, SEDO
Joe Goicochea, DMWM, SEDO

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Crock Construction Co.	:	<u>Director's Final Findings</u>
17990 SR 78	:	<u>and Orders</u>
Caldwell, Ohio 43724	:	

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Crock Construction Co. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3714.12, 3734.13, and 3745.01.

II. PARTIES

These Orders shall apply to and be binding upon Respondent and his heirs and successors in interest liable under Ohio law. No change in ownership of the Property, as hereinafter defined, shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapters 3714 and 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent is the owner and operator of the closed Crock Construction Co. construction and demolition debris landfill located at 19425 Township Road 297 in Caldwell, Ohio (the "Facility").
2. Respondent is a "person" as that term is defined in ORC Section 3734.01(G) and 3714.01, and in Ohio Administrative Code ("OAC") Rules 3745-27-01(P)(3) and 3745-400-01(P)(1).

3. The Facility was a licensed construction and demolition debris facility used for the disposal of construction and demolition debris pursuant to OAC Rule 3745-400-01(C)(3).
4. On October 29, 1999, the Director issued consensual Final Findings and Orders ("October 1999 Orders") to the Respondent. The Respondent signed the October 1999 Orders and agreed, in pertinent part, to conduct post-closure care of the Flood Debris Disposal Unit, as defined in the October 1999 Orders, in accordance with the requirements of OAC Rule 3745-27-14 for 30 years.
5. By letter dated March 27, 2019, the Respondent submitted to the Director a request to modify the October 1999 Orders. Specifically, Respondent requests to shorten its post closure period to 20 years to more align with the post closure period for a construction and demolition debris facility.
6. Section V, Order #3b of the October 1999 Orders states, "Respondent shall perform the work described in Attachment A, attached hereto and incorporated herein, in conformance with the specifications and schedules contained therein."
7. Attachment A, Section II., D. states, "Post-closure care of the Flood Debris Disposal Unit shall be conducted in accordance with the requirements of OAC Rule 3745-27-14 for 30 years, except that Respondent shall not be obligated to install, operate and maintain a ground water monitoring or explosive gas monitoring system under these Orders. Ohio EPA expressly reserves the right, however, to require Respondent to perform additional activities to address the pollution of waters of the state, the migration of explosive gas or other environmental conditions arising from or related to the violations addressed in section IV of the Orders. Post-closure care shall commence upon Ohio EPA's receipt of Respondent's notice of completion as detailed in Article II., Paragraph B."
8. Currently, Respondent is in substantial compliance with the October 1999 Orders.

V. ORDERS

Respondent shall achieve compliance with ORC Chapters 3714 and 3734 and the rules promulgated thereunder according to the following compliance schedule:

1. Section V of the October 1999 Orders is hereby modified to replace Orders 1 through 3 with the following:
 - "1. Upon the effective date of this Order, Respondent shall comply with the following for all areas of the Facility, including the Flood Debris Disposal Unit:

- A. The post-closure care obligations set forth in OAC Rule 3745-400-16, and
 - B. The obligation to maintain post-closure care financial assurance in accordance with OAC Rule 3745-400-18 throughout the post-closure care period.
2. Respondent shall submit to Ohio EPA and Noble County Health Department a post-closure certification report during the last thirty days of the post-closure care period, pursuant to OAC Rule 3745-400-16. The post-closure care period end date for the Facility, including the Flood Debris Disposal Unit, is October 25, 2020, unless extended in accordance with OAC rule 3745-400-17."
2. Except as specifically set forth in Order 1 above, all provisions of the October 1999 Orders remain unchanged and in effect.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Chief, Division of Materials and Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation from Respondent: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted to Ohio EPA by Respondent and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a corporate officer who is in charge of a principal business function of Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, Respondent or the Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent or the Facility.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southeast District Office
Division of Materials and Waste Management
2195 Front Street
Logan, Ohio 43138

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all other rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

XII. WAIVER

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 these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all

rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of the Orders is the date these Orders are entered into the Ohio EPA Director's Journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency



Laurie A Stevenson, Director

AGREED:



Brandon Crock
Crock Construction Co.

7/23/20
Date