



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

July 9, 2007

RE: **TWL LAS C&DD LANDFILL
NOTICE OF VIOLATION**

CERTIFIED MAIL

Mr. Joe Costa
Superintendent of Operations
Total Waste Logistics (TWL) LAS
7131 Akron Canfield Road
Canfield, OH 44406

The Estate of Loreto Sabastiani
C/O Anthony Sebastiani
Total Waste Logistics (TWL) LAS
7131 Akron Canfield Road
Canfield, OH 44406

Dear Mr. Costa and Mr. Sabastiani:

On May 3, 2007, I conducted a comprehensive inspection of the TWL LAS C&DD Landfill, located at 1025 Bundy Road in Trumbull County. Anthony Sebastiani, Brian Leedy, and Joe Costa accompanied me during the inspection. Also accompanying me during the inspection was Jim Dobson, representing the Girard Health Department, and Barry Chapman Joshua Adams of the Ohio EPA.

The purpose of the inspection was to determine compliance with Ohio Revised Code (ORC) Sections 3714. and 3734., and Ohio Administrative Code (OAC) Chapters 3745-400 and 3745-27. The following violations were identified during the inspection:

1. **Acceptance of Pulverized Debris:** The owner and operator of the facility are in violation for accepting pulverized debris at the facility. During the inspection on May 3, 2007, Ohio EPA determined that a load was unidentifiable as construction and demolition debris (C&DD) was observed in the facility's unloading zone. The following is a picture taken on April 9, 2007 of one load as being unidentifiable C&DD.

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Specifically, accepting pulverized debris is a violation of the following:

- **Ohio Administrative Code (OAC) Rule 3745-400-11(F):** *“Prior to acceptance by the facility, debris shall be readily identifiable as construction and demolition debris and shall not have been shredded, pulverized, or otherwise rendered to the extent that the debris is unidentifiable.”*
- **Ohio Revised Code (ORC) Section 3714.081(A):** *“A construction and demolition debris facility shall not accept pulverized debris.”*

Despite Ohio EPA request that the load be rejected, the load remained in the unloading zone during the inspection. Furthermore, Mr. Costa expressed his disagreement with Ohio EPA citation and stated that he anticipated that the load would be pushed into the working face. In order to comply with the above law and rule, the owner and operator must ensure that prior to acceptance, all debris is readily identifiable as C&DD and not shredded, pulverized, or otherwise rendered to the extent that the debris is unidentifiable.

Please respond to this violation by submitting to this office documentation of the removal and proper disposal of this rejected load material from the unloading zone in accordance with ORC 3714.083.

2. Daily Logs of Operation: The owner and operator of the facility are in violation because the logs were not properly completed. The daily logs must accurately document the amount of prohibited material removed from the working face, as well as the prohibited material removed from the unloading zone. At the time of the inspection, trash pickers removed prohibited material from both the unloading zone and working face. However, the prohibited material was commingled prior to be placed into one large rolloff container. Since the pickers did not segregate the prohibitive material collected from the working face and the unloading zone, the owner and operator of the facility are in violation of the following:

- **OAC 3745-400-11 (B)(9):** *"The owner or operator shall keep a daily log of operations of the facility that contains all the information specified on forms prescribed by the director. All entries required by the log form shall be completed..."*

3. Control of Scattered Litter: The owner and operator of the facility are in violation because Ohio EPA identified prohibited material along the north face of the landfill. During of inspection on May 3, 2007, Ohio EPA observed at least nine tires, scrap metal, and plastic, metal and glass containers along the northern face of the landfill. Much of the waste was partially covered with soil and overgrown with vegetation. The following are pictures taken on April 9, 2007 of the litter.



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The owner and operator of the facility is in violation of the following:

- **Ohio Administrative Code (OAC) Rule 3745-400-11(F):** *“Litter. 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.”*

The following observations were made during the April 9, 2007 inspection:

- At least two pickers were removing solid waste from the working face and unloading zone.
- In addition, there was another load in the working face that was previously inspected by Ohio EPA and a determination was made at that time and communicated to the owner and operator.
- During of inspection on May 3, 2007, Ohio EPA observed a magazine, gloves, shoes, pillow, boots, car seat, nylon nap sack, hat, book, and a baseball in the working face. The owner and operator was removing the solid waste during the inspection.

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- The sedimentation pond on the property appeared to be silted in and needed to be cleaned out. Mr. Sabastiani stated that they reserved an excavator and expected that the pond will be cleaned out within the following month.
- Upon completion of the inspection, the operator acknowledged that they made a video recording of the inspection.

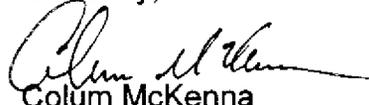
The owner or operator must immediately take all necessary measures to return to compliance with Ohio's solid waste and C&DD laws and rules. Please provide written notification to me within 15 days of receiving this letter which documents how the violations listed above have been corrected, and what measures will be implemented in the future to prevent recurrence of these violations.

Failure to correct the above violations and operate this facility in accordance with all applicable state laws and rules may result in escalated enforcement action being taken against the owner or operator of this facility by Ohio EPA.

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 owner or operator of TWL LAS LLC, or others, from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1268, or e-mail me at ["colum.mckenna@epa.state.oh.us."](mailto:colum.mckenna@epa.state.oh.us)

Sincerely,



Colum McKenna
Environmental Specialist
Division of Solid and Infectious Waste Management

CM:cl

cc: Joshua Adams, DSIWM, NEDO
Scott Winkler, DSIWM, NEDO
Carl Mussenden, DSIWM, CO
Jim Dobson, Girard City Health Department
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