OhioEPA
State of Ohio Environmental Protection Agency
Northeast District Office

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

June 26, 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

Dear Mr. Costa:

On April 21, 2007, I conducted a partial inspection of the TWL LAS C&DD Landfill, located at 1025 Bundy Road in Trumbull County. Anthony Sebastiani, Guy Fragle and you accompanied me during the inspection. Also accompanying me during the inspection was Jarnal Singh, representing the Ohio Environmental Protection Agency (Ohio EPA. Weather conditions were sunny with temperatures around 70^0 F.

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 facility's unloading zone and working face were the only part of the facility inspected on this date. The following violation was identified during the inspection:

1. **Acceptance of Unidentifiable and Pulverized Debris:** During the inspection on April 21, 2007, at least three loads that were not readily identifiable as construction and demolition debris (C&DD) and contained pulverized material were observed in the facility's unloading zone. The following are pictures taken on April 21, 2007 of the loads of unidentifiable and pulverized material.

The owner and operator of the facility are in violation for accepting unidentifiable and pulverized debris at the facility. Specifically, accepting unidentifiable and 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."

The loads remained in the unloading zone during, and upon completion, of the inspection. 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. The owner and operator are reminded that ORC Section

3714.081(B) requires the pulverized debris to be removed from the facility. In response to this letter, please submit documentation that the material was properly removed for disposal.

The following observations were made during the April 21, 2007 inspection:

- Two pickers were removing solid waste from the working face and unloading zone when Ohio EPA arrived at the site at 8:45 a.m. The working face measured approximately 40 feet by 350 feet.

- Prohibited solid waste observed by Ohio EPA while walking the length of the working face include the following: cigarette pack, 5 drink cups, newspaper, 2 chip bags, glove, plate, magazine, spice container, juice container, 3 items of misc. paper, 2 plastic flower pots, pop can, butter container, and rag. The items listed here were removed upon Ohio EPA's request during 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) 963-1257, or e-mail me at "katharina.snyder@epa.state.oh.us."

Sincerely,

Katharina Snyder
Environmental Specialist
Division of Solid and Infectious Waste Management

Jarnal Singh
Environmental Specialist
Division of Solid and Infectious Waste Management

KS/JS/cl

cc: Jim Dobson, Girard City Health Department
Carl Mussenden, DSIWM CO
Anthony Sebastiani, TWL LAS
File: [Tukel/CONS/TWL LAS/COR/78]