



**Environmental
Protection Agency**

Ted Strickland, Governor
Les Fisher, Lt. Governor
Chris Lofgren, Director

April 26, 2010

**RE: NOTICE OF VIOLATION
TOTAL WASTE LOGISTICS
PENN-OHIO FACILITY C&DD LANDFILL**

CERTIFIED MAIL

Mr. Tim Clark
Total Waste Logistics
Penn-Ohio Facility C&DD Landfill
7555 North Street
Negley, Ohio 44441

Dear Mr. Clark:

On April 21, 2010, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a partial inspection of the Total Waste Logistics, Penn-Ohio Facility C&DD Landfill (Penn-Ohio), located approximately 2000 feet north of the intersection of State Routes 154 and 170 in Negley, Columbiana County, Ohio. The purpose of the inspection was to determine compliance with Ohio Revised Code (ORC) 3714. and Ohio Administrative Code (OAC) 3745-400, and ORC 3734. and OAC 3745-27. This inspection focused on the weekly cover on the Active Licensed Disposal Area.

Tim Clark, representing the facility owner or operator, accompanied me during the inspection.

The following violation was identified during this inspection:

1. **Fire Prevention.** During this inspection, combustible debris was observed uncovered on the surface of the landfill. A site visit was previously made on April 6, 2010, during which the need to apply cover to all combustible debris on the landfill was discussed with facility personnel. It was verified during this inspection that weekly cover had not been applied to all exposed combustible debris since April 6, 2010.

Penn-Ohio is in violation because it has failed to apply and maintain cover, using soil, clean hard fill, or other material which is noncombustible, over all combustible debris disposed at the facility. Failure to cover all combustible debris at the landfill has resulted in a violation of the following:

- a. **OAC Rule 3745-400-11(H):** *"The owner or operator shall operate the facility in a manner that prevents fires by...covering all disposed combustible debris on a weekly basis with soil, clean hard fill, or other material which is noncombustible. For the purpose of this rule, covering means to apply noncombustible material in a manner such that combustible debris is not visible."*

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In order to return to compliance with this rule, the owner or operator must immediately cover all combustible debris disposed at the landfill with noncombustible material.

Please provide written notification to me within 15 days of receiving this letter which documents how the violation listed above has been corrected.

In addition to the above documented violation, the following was observed during this inspection:

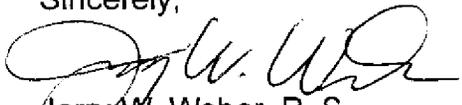
1. Strong hydrogen sulfide gas odors were detected on the landfill. Hydrogen sulfide gas odors were not detected outside the facility boundary on this occasion.

Penn-Ohio must make every effort possible to eliminate the conditions leading to the generation of hydrogen sulfide gas, and to control the release of hydrogen sulfide gas from this facility. Failure to eliminate the conditions leading to the generation of hydrogen sulfide gas, and failure to control the release of hydrogen sulfide gas has resulted in strong odors offensive to the senses. Should these odors be detected off the facility, they will interfere with the comfortable enjoyment of life and property of the surrounding community which will potentially lead to rules' violations.

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 Penn-Ohio, 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) 963-1274, or preferably, e-mail me at "jerry.weber@epa.state.oh.us."

Sincerely,



Jerry W. Weber, R. S.
Environmental Specialist
Division of Solid and Infectious Waste Management

JWW:cl

cc: File: [Kurko/CONS/Total Waste Logistics Penn-Ohio/COR/15]

ec: Lori Barnes, Columbiana County Health Department

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Sent To *Tim Clark*
 Street, Apt. No. or PO Box No. *Total Waste Logistics*
 City, State, ZIP+4 *Penn-Ohio*

PS Form 3800 August 2006 See Reverse for Instructions

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1. Article Addressed to:

 Mr. Tim Clark
 Total Waste Logistics
 Penn-Ohio Facility C&DD Landfill
 7555 North Street
 Negley, Ohio 44441

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