



State of Ohio Environmental Protection Agency

Northeast District Office

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

May 1, 2007

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

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

Dear Mr. Costa:

On April 9, 2007, I conducted a partial inspection of the TWL LAS C&DD Landfill, located at 1025 Bundy Road in Trumbull County. Brian Leedy, Anthony Sebastiani and you accompanied me during the inspection. Also accompanying me during the inspection were Scott Winkler and Dale Warner, representing the Ohio Environmental Protection Agency (Ohio EPA), and Jim Dobson, representing the Girard Health Department. Weather conditions were windy with temperatures around 35^o 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, working face and daily logs of operation were the only part of the facility inspected on this date. The following violations were identified during the inspection:

1. **Acceptance of Pulverized Debris:** During the inspection on April 9, 2007, at least two loads of pulverized debris which was unidentifiable as construction and demolition debris (C&DD) were observed in the facility's unloading zone. The following is a picture taken on April 9, 2007 of one of the loads of unidentifiable C&DD.

Mr. Joe Costa
Total Waste Logistics (TWL) LAS
May 1, 2007
Page 2



The owner and operator of the facility is in violation for accepting pulverized debris at the facility. 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."

The loads were removed from the unloading zone during the inspection upon Ohio EPA's request. 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.

Mr. Joe Costa
Total Waste Logistics (TWL) LAS
May 1, 2007
Page 3

Please submit documentation of the removal and proper disposal of the material from the unloading zone.

- 2. Daily Logs of Operation:** During the inspection on April 9, 2007, Ohio EPA discovered that the daily logs of operation for March 1, 2, 5, 6, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 31, and April 2, 3, 4, 5, 6, 2007 were not completed properly. A few of these logs were not signed and most were missing the origin of several loads accepted for disposal at the site. The owner and operator of the facility is in violation because the logs did not contain all the information specified on the form. This is a 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..."

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

- Four pickers were removing solid waste from the working face and unloading zone. The working face measured approximately 150 feet by 60 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 daily logs of operation were corrected and copies provided to Ohio EPA before leaving the site.
- The operator will determine the last day debris was accepted in the area undergoing preparation for capping so that Ohio EPA can determine compliance with the June 28, 2001 Consent Order.
- The operator agreed to provide Ohio EPA a copy of the video recording made 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

Mr. Joe Costa
Total Waste Logistics (TWL) LAS
May 1, 2007
Page 4

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.

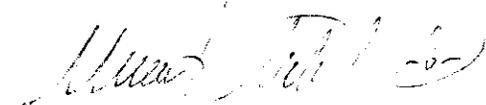
Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator of TWL LAS LLC, or others, from responsibility under Chapters 3704., 3714., 3734., or 6111. 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.](mailto:katharina.snyder@epa.state.oh.us)"

Sincerely,



Katharina Snyder
Environmental Specialist
Division of Solid and Infectious Waste Management



Scott Winkler
Environmental Specialist
Division of Solid and Infectious Waste Management

KS:SW:cl

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