



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

December 27, 2007

**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 December 21, 2007, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a comprehensive 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. Weather conditions were mostly sunny and cool, with a temperature of approximately 40°F. The landfill was partially snow covered on this occasion.

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

The following violation was identified during this inspection:

1. **Weekly Cover:** During this inspection it was observed that combustible debris in portions of the landfill remained uncovered since the last inspection on November 26, 2007. Some of these areas were located in portions of the landfill where disposal has not taken place for a number of years. Other areas with uncovered combustible debris existed where cover had been applied previously, vegetation has failed, and weathering apparently caused debris to be exposed. While it was evident during this inspection that the facility operator had covered large portions of the landfill where combustible debris was exposed, some areas still had not received cover soil.

Penn-Ohio is in violation because it has failed to cover and maintain cover over all combustible debris disposed within the landfill on a weekly basis. Penn-Ohio's failure to cover all combustible debris at its C&DD facility on a weekly basis is a violation of the following:

- a. **OAC Rule 3745-400-11(H)(1)**: *"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."*

In order to return to compliance with all applicable laws and rules, the owner or operator must immediately apply cover soil to all disposed combustible debris, and continue to cover all disposed combustible debris on a weekly basis, at a minimum.

2. **Surface Water.** During this inspection multiple surface water violations were observed, including storm water violations and an apparent unauthorized discharge from the railcar unloading zone. The drainage ditch along the access road leading from the facility office up the hill to the landfill was completely filled in with mud and unable to transmit surface water. The facility operator explained that during an effort to grade the access road in order to get it to slope toward the ditch, it was necessary to fill the ditch. The facility operator also explained that the ditch was scheduled to be cleaned out and reconstructed on December 22, 2007.

Penn-Ohio is in violation because it failed to prevent water pollution at the facility, and it failed to control and maintain surface water structures and correct the conditions causing silting and scouring of the surface water drainage structures. Penn-Ohio's failure to prevent water pollution, to control and maintain surface water structures, and to correct the conditions causing silting and scouring of the surface water drainage structures at its C&DD facility is a violation of the following:

- a. **OAC Rule 3745-400-11(B)(16)**: *"The owner or operator shall not cause water pollution."*
- b. **OAC Rule 3745-400-11(Q)(4)**: *"The owner or operator shall control surface and ground water to minimize the generation of leachate in the following manner...If silting or scouring occurs in surface water structures, the owner or operator shall correct the conditions causing the silting or scouring and shall repair the surface water drainage structures."*

In order to return to compliance with all applicable laws and rules, the owner or operator must immediately comply with all of the requirements outlined in the November 27, 2007, Notice of Violation sent to Guy Fragle, Total Waste Logistics, Inc., from Dan Bogoevski, Ohio EPA Division of Surface Water, with the facility's NPDES permit, and with the above listed rules.

Mr. Tim Clark
Total Waste Logistics
December 27, 2007
Page 3

The following observations were made during this inspection:

1. No drag out of mud from the facility onto State Route 170 was observed.
2. No hydrogen sulfide gas odors were detected while on the landfill.
3. Blown litter that had been observed around the landfill during the November 26, 2007, inspection had been picked up. The facility operator indicated that it had been properly disposed.
4. Prohibited solid waste was observed in the facility working face during this inspection. The prohibited solid waste was removed during the inspection, however, it was not possible to determine if the amount of prohibited solid waste removed exceeded the regulatory threshold which defines when a violation has occurred. On this occasion, facility personnel appeared to be commingling prohibited solid waste removed from the working face with prohibited solid waste removed from the unloading zone. Prohibited solid wastes removed from these areas must be documented separately. It is recommended that two separate areas be maintained for collecting prohibited solid wastes removed from the working face and the unloading zone. It is the facility operator's responsibility to demonstrate and document the amount of prohibited solid waste removed from each distinct area. During future inspections, it shall be assumed that all prohibited solid wastes that are collected either in or around the designated roll off box are from the working face if there is no clear observable distinction. In such a case, a violation will be issued if the regulatory threshold regarding removal of prohibited solid wastes from the working face is breached.

Please provide written notification to me within 15 days of receiving this letter which documents how the violation listed above has been corrected, and what measures will be implemented in the future to prevent any such recurrence of these violations.

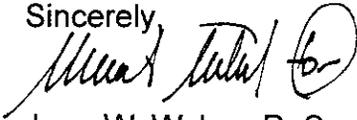
Failure to correct the above violations and to operate this facility in accordance with all applicable state laws and rules may result in escalated enforcement actions being taken against the owner or operator of this facility by Ohio EPA.

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 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.

Mr. Tim Clark
Total Waste Logistics
December 27, 2007
Page 4

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,

A handwritten signature in black ink, appearing to read "Jerry W. Weber". The signature is written in a cursive style with a large, stylized initial "J" and a circled "W" at the end.

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

JWW:cl

cc: Dan Bogoevski, DSW-NEDO
Joe Trocchio, DSW-NEDO
Robert Morehead, Columbiana County Health Department
File: [Tuke/CONS/Total Waste Logistics Penn-Ohio/COR/15]