



State of Ohio Environmental Protection Agency

Northeast District Office

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

December 14, 2007

RE: **PARTIAL INSPECTION
PENN-OHIO C&DD LANDFILL**

CERTIFIED MAIL

Mr. Joe Costa
Penn-Ohio C&DD Landfill
7555 North Street
Negley, Ohio 44441

Dear Mr. Costa:

On November 6, 2007, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a partial inspection of the Penn-Ohio C&DD Landfill (Penn-Ohio), located approximately 2000 feet north of the intersection of State Routes 154 and 170 in Negley, Columbiana County. 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. The areas of the landfill that were inspected on this day included the facility's surface water controls, weekly cover, areas where debris had been previously disposed (excluding current working face area), and rail transfer area. The weather was overcast, cold and very windy with periods of light snow, temperature of approximately 38° F.

I was accompanied during this inspection by Dan Bogoevski and Joe Trocchio, representing the Ohio EPA Division of Surface Water; and Joe Costa, Tim Clark and Anthony Sebastiani, representing the facility owner or operator.

The following violations were identified during this inspection:

1. **Weekly Cover:** During this inspection it was observed that large areas of the landfill contained uncovered combustible debris. 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.

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

2. **Litter:** During this inspection scattered litter was observed blown outside the facility's active licensed disposal area. Litter was observed both on the ground and in sedimentation basin number 2.

Penn-Ohio is in violation because it failed to employ all reasonable measures to collect, properly contain, and dispose of scattered litter at the licensed active disposal area of the facility. Ohio EPA did not observe any measures being employed by the owner or operator to control scattered litter at the licensed active disposal area. Penn-Ohio's failure to control scattered litter at its C&DD facility is a violation of the following:

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

In order to return to compliance with all applicable laws and rules, the owner or operator must immediately employ all reasonable measures to collect, properly contain, and dispose of scattered litter at the active licensed disposal area of the facility. Additionally, after removing the litter from sedimentation basin number 2, the water remaining in the basin must be pumped out and handled as leachate by the facility.

3. **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.

Penn-Ohio is in violation because it failed to prevent water pollution at the facility. Penn-Ohio's failure to prevent surface water pollution 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."*

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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, and with the facility's NPDES permit.

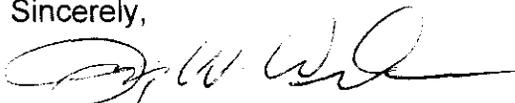
The owner or operator of Penn-Ohio must take all necessary measures to return to compliance with the license issued to this facility and with Ohio's solid waste and C&DD laws and rules. Please provide written notification to me within 15 days of receiving this letter which documents how the violations listed above have been corrected, as well as what measures will be implemented in the future to prevent a recurrence of the 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 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: Dan Bogoevski, DSW-NEDO
Joe Trocchio, DSW-NEDO
Robert Morehead, Columbiana County General Health District
File: [Tukel/CONS/Total Waste Logistics (Penn-Ohio)/COR/15]