



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

March 28, 2008

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

CERTIFIED MAIL

Mr. Joe Costa
Total Waste Logistics LAS LLC
7131 Akron Canfield Road
Canfield, Ohio 44406

The Estate of Loreto Sebastiani
c/o Anthony Sebastiani
Total Waste Logistics (TWL) LAS
7131 Akron Canfield Road
Canfield, Ohio 44406

Dear Sirs:

On January 31, 2007, the Ohio Environmental Protection Agency (Ohio EPA) conducted a partial inspection of the Total Waste Logistics LAS LLC (TWL) construction and demolition debris disposal facility located at 1025 Bundy Road, City of Girard. Chris Moody and I represented Ohio EPA during this inspection. Jim Dobson represented the City of Girard Health Department. You and Anthony Sebastiani represented TWL. Also present were several members of the Trumbull County Soil and Water Department.

Chris Moody conducted a portion of the inspection to determine compliance with the requirements of the Storm Water Pollution Prevention Plan. While on site, I conducted a partial inspection to determine compliance with Ohio Revised Code (ORC) 3714. and Ohio Administrative Code (OAC) 3745-400, and ORC 3734 and OAC 3745-27. The facility's unloading zone, working face, and the active and inactive disposal areas were inspected on this date.

On this date, I noted that a hydro seeder was in use on the northwestern portion of the landfill. Most, if not all of the northern slope had been seeded.

After Mr. Moody left the site, I proceeded to the disposal area along with you, Mr. Dobson, and Mr. Sebastiani to observe the waste handling operations at the site. On this date, we observed very little solid waste in the working face. The solid waste in the working face was removed during the inspection and did not appear to approach the volume that would constitute a violation of ORC 3714.021.

Mr. Joe Costa, Total Waste Logistics LAS LLC
The Estate of Loreto Sebastiani, c/o Anthony Sebastiani
March 28, 2008
Page 2

Four loads of construction and demolition debris were in the unloading zone during the time of this inspection. Two of the loads had clearly not been pulverized. One of the loads had large items and fine material within the same load, but overall the load had not been pulverized. The remaining load had been processed to the point that it was pulverized prior to acceptance and must be removed from the facility as requested by the City of Girard Health Department and Ohio EPA.

The owner or operator violated the following rule by accepting pulverized debris:

1. **ORC 3714.081(A)**: *"A construction and demolition debris facility shall not accept pulverized debris."*
2. **OAC 3745-400(F)**: *"Waste acceptance and disposal. 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."*

The owner or operator must remove the load of debris that was pulverized prior to acceptance. This load must be rejected and properly disposed of as solid waste. The owner or operator must cease acceptance of pulverized debris. Please provide this office with documentation showing the load was rejected.

On January 31, 2007, very little of the landfill was covered with vegetation and erosion was occurring on nearly all parts of the landfill. A hydroseeding truck was operating on the northern slope of the landfill on this date. The regulations require the owner or operator to correct the conditions causing the erosion.

The owner or operator is in violation of the following regulation for failing to correct the conditions causing erosion:

3. **OAC 3745-400-11(Q)(3)** states: *"If ponding or erosion occurs in active or inactive licensed disposal areas, the owner or operator shall correct the conditions causing the ponding or erosion."*

The owner or operator must take the actions necessary to eliminate the conditions causing erosion including but not limited to establishing vegetative cover and following the Storm Water Pollution Prevention plan for the facility.

Mr. Joe Costa, Total Waste Logistics LAS LLC
The Estate of Loreto Sebastiani, c/o Anthony Sebastiani
March 28, 2008
Page 3

On November 21, 2007 Chris Moody and Jim Irwin of the Ohio EPA observed leachate in the secondary containment berm around the leachate storage tank located on the Northeastern side of the landfill. Mr. Moody and Mr. Irwin observed leachate in the surface water control ditch leading to Four Mile Run which is a tributary to the Mahoning River. Mr. Moody observed a pump and piping that appeared to have been used to pump the leachate from the secondary containment area into the storm water ditch. Failure to properly manage leachate is a violation of the following regulation:

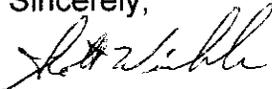
3745-400-11(P)(3) states: "The owner or operator shall manage and dispose of leachate in accordance with applicable regulations."

Please respond to this letter within fifteen days of receipt. Your response should include documentation that the pulverized material was removed from the unloading zone and a schedule for actions necessary to eliminate the conditions causing erosion.

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 Entity 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) 963-1220.

Sincerely,



Scott Winkler
Division of Solid and Infectious Waste Management

SW:cl

cc: James Dobson, City of Girard Health Department
Carl Mussenden, DSIWM-CO
Nicholas Bryan, AGO
File: [Tuke/CONS/TWL-LAS/COR/78]