



State of Ohio Environmental Protection Agency

Northeast District Office

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

July 27, 2007

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

CERTIFIED MAIL

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

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

Dear Sirs:

On May 23, 2007 the Ohio Environmental Protection Agency (Ohio EPA) conducted a partial inspection of the Total Waste Logistics construction and demolition debris disposal facility located at 1025 Bundy Road, City of Girard. Murat Tukel and Dale Warner representing Ohio EPA and James Dobson representing the Girard City Health Department accompanied me during this inspection. You represented TWL. Anthony Sebastiani and Brain Leedy were also present during the inspection on this date.

This inspection was conducted 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 daily logs, authorizing documents, unloading zone, working face, and the active and inactive disposal areas were inspected on this date.

Several loads were observed in the unloading zone at the facility. These loads were recognizable as construction and demolition debris and had not been pulverized prior to acceptance. One of the loads contained a large amount of yard waste. The yard waste was removed prior to pushing into the working face for final disposal.

On this date, solid waste was present in the working face of the landfill. The solid waste was removed when requested.

One area of debris on the eastern side of the working face had not been covered with soil. I discussed this area with you and informed you that all debris must be covered weekly, however, Ohio EPA could not make a determination whether this debris had remained uncovered for longer than seven days.

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On May 23, 2007, very little of the landfill was covered with vegetation and erosion was occurring on nearly all parts of the landfill. You stated that when erosion gullies form, the facility operator fills in the gullies and grades the area. The Ohio Administrative Code requires the owner or operator to not only regrade the soil when erosion occurs but also to correct the conditions causing erosion. Failure to correct the conditions causing erosion is a violation of the following regulation:

1. **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.

On April 21, 2007, a representative from Ohio EPA notified the owner or operator that one load of waste was pulverized and must be removed from the facility. This load had not been removed within the 10 days required by law and in fact still remained on site during the May 23, 2007 inspection. The waste in this load was partially covered with a tarp that did not meet the requirement for weekly cover. Failure to remove the waste within 10 days of a request is a violation of the following:

1. **ORC 3714.082(B) states:** *"The board of health of a health district in which a construction and demolition debris facility is located, the director of environmental protection, or an authorized representative of either may request the removal of pulverized debris that has been brought to the construction and demolition debris facility. A board, the director, or an authorized representative of either shall make such a request when the pulverized debris is at the unloading zone of the facility designated under rules adopted under section 3714.02 of the Revised Code and not after the debris has been disposed of on the working face of the facility. Upon the receipt of such a request, the owner or operator of the facility shall comply with section 3714.083 of the Revised Code and shall do one of the following:...(2) Store the pulverized debris at a location at the facility where construction and demolition debris is not disposed of for not more than ten days after the receipt of a request to remove the debris from the facility. Not later than the end of the ten-day period, the owner or operator shall cause the pulverized debris to be removed from the facility."*
2. **OAC 3745-400-11(H)(1) states:** *"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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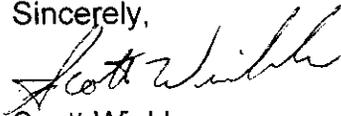
The owner or operator must not accept pulverized debris. The load of material that was previously identified as pulverized debris must be removed immediately. In the event that the Health Department or Ohio EPA requests the removal of waste in the future due to the waste being pulverized, it must be removed within 10 days of that request.

Please respond to this letter within fifteen days of receipt. Your response should include documentation that the load of pulverized debris was removed from the facility, documentation indicating where the material was sent for disposal, 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

JWW:cl

cc: James Dobson, City of Girard Health Department
Carl Mussenden, DSIWM-CO
File: [Tukel/CONS/TWL-LAS C&DD/COR/78]