



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 Korteski, Director

February 12, 2007

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

CERTIFIED MAIL

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

Dear Mr. Costa:

On January 4, 2007, the Ohio Environmental Protection Agency (Ohio EPA) conducted a partial inspection of the Total Waste Logistics construction and demolition debris disposal facility (CID: 54255) 1025 Bundy Road, City of Girard. Katharina Snyder and Murat Tukul from Ohio EPA accompanied me during this inspection and you represented TWL.

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 Active Licensed Disposal Area (ALDA) was the only part of this facility inspected on this date.

The owner or operator had just moved the working face from the top of the hill to a lower area. The owner or operator was covering the previous working area with soil. The previous working face had large amounts of solid waste spread across the area. Cover soil was being placed over the waste making the removal of solid waste impossible.

The new working face also contained large amounts of solid waste that was not being removed and the owner or operator was covering the solid waste with additional waste making the removal impossible.

Several loads were observed that had recently been deposited at the facility. These loads contained pulverized debris. These loads also contained so much solid waste that complete removal of all solid waste would be very difficult and could not be accomplished with the resources on site. On this date, I informed you that the waste was pulverized and could not be accepted for disposal. If the amount of solid waste is typical of other loads, it would not be possible to remove all solid waste prior to disposal and still maintain the volume of incoming truck traffic without considerable additional efforts.

The solid waste observed being buried included, among other things: clothing, beverage and food containers, children's toys, magazines, newspapers, furniture cushions, luggage, books, a broom, an air filter, milk crates, a cooler, curtains, and other items. These items were not removed from the disposal area.

Disposing of solid waste, and accepting pulverized waste are violations of the following rules and regulations:

1. **ORC 3714.021(B) states:** *"The owner or operator of a construction and demolition debris facility that is licensed under this chapter shall attempt to remove all solid wastes from construction and demolition debris prior to the disposal of the construction and demolition debris on the working face of the facility. Except as otherwise provided in this division, the existence of solid wastes on the working face of a construction and demolition debris facility does not constitute a violation of this chapter and rules adopted under it if both of the following apply: (1)The wastes constitute not more than two cubic yards per one thousand cubic yards of construction and demolition debris or four cubic yards per one thousand tons of construction and demolition debris disposed of at the construction and demolition debris facility based on the amount of construction and demolition debris disposed of at the facility on the preceding full business day as determined by using the amount of disposal fees collected under section 3714.07 of the Revised Code for wastes disposed of at the facility on that preceding full business day. (2) The owner or operator or the employees of the facility remove the solid wastes from the working face of the facility."*
2. **OAC 3745-400-11(F)(3):** *"The owner or operator shall deposit incoming loads of debris at a designated unloading zone where the debris shall be inspected and all prohibited wastes shall be removed..."*
3. **Ohio Administrative Code (OAC) 3745-400-11(F):** *"The owner or operator shall dispose of only construction and demolition debris as defined in rule 3745-400-01 of the Administrative Code, except as specified in this rule."*
4. **OAC 3745-400-11(F)(2):** *"The owner or operator of a facility shall not dispose of any solid wastes..."*
5. **Ohio Revised Code (ORC) 3734.03:** *"No person shall dispose of solid wastes by open burning or open dumping...No person shall dispose of treated or untreated infectious wastes by open burning or open dumping."*
6. **OAC 3745-27-05(C):** *"No person shall conduct, permit, or allow open dumping."*
7. **ORC 3714.081(A):** *"A construction and demolition debris facility shall not accept pulverized debris."*

In order to return to compliance with applicable rules and regulations, the owner or operator must immediately cease accepting pulverized waste and remove all solid waste from incoming loads in the unloading zone. The owner or operator must also remove all prohibited material from the facility and dispose of the material in accordance with applicable regulations.

Please respond to this letter within fifteen days of receipt. Your response should include documentation that all solid waste was removed from the disposal areas, and documentations that all pulverized loads were rejected.

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The owner or operator of this facility must take all actions necessary to prevent the disposal of solid waste at this facility. As we discussed on site during this inspection, the volume of solid waste in these loads would make it very difficult to comply with the rules and regulations of the state of Ohio.

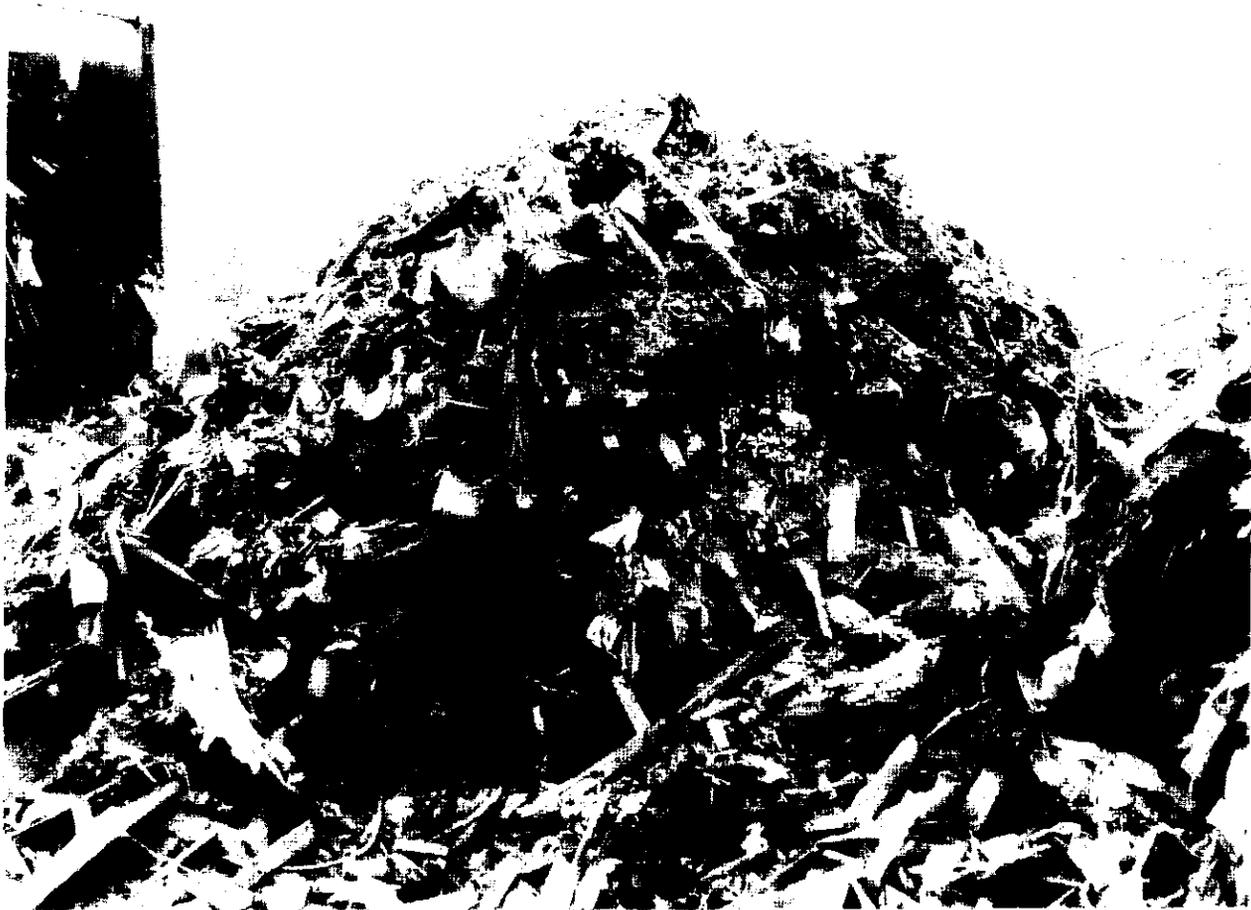


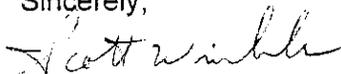
Photo showing pulverized waste taken on January 4, 2007

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.

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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
Ed Gortner, DSIWM-CO
File: [Tukel/CONS/Lordstown Construction Recovery/COR/78]