



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

March 26, 2007

RE: NOTICE OF VIOLATION
PENN-OHIO C&DD LANDFILL

CERTIFIED MAIL

Mr. Tim Clark
Penn-Ohio C&DD Landfill
7555 North Street
Negley, Ohio 44441

Dear Mr. Clark:

On December 23, 2005, Ohio EPA issued a 2006 construction and demolition debris facility license to the Total Waste Logistics - Penn-Ohio Facility (Penn-Ohio). As indicated on the license document, Ohio EPA applied special conditions to the license. A copy of the special license conditions were attached to the 2006 license issued to Penn-Ohio.

In accordance with special license condition number 3, "On or before December 31, 2006, Total Waste Logistics, LLC, shall submit a topographic map to Ohio EPA which complies with OAC Rule 3745-400-11(B)(13)." OAC Rule 3745-400-11(B)(13) states, "*The owner or operator shall provide a topographic map of the existing inactive and active licensed disposal areas of the facility if the licensing authority so requests. The topographic map shall represent existing contours and not be required more frequently than annually.*"

On January 2, 2007, a map titled, "End of Year Top of Debris Certification Survey December 2006" was submitted to Ohio EPA by Ed Browne and Associates, Inc. on behalf of Penn-Ohio. The submittal was received after the required submittal date of December 31, 2006, and the contents of the submittal did not comply with OAC Rule 3745-400-11(B)(13) for the following reason:

- The submittal is not a topographic map representing existing contours of the existing inactive and active licensed disposal areas of the facility.

Penn-Ohio is in violation for failing to comply with the requirements of OAC Rule 3745-400-11(B)(13), as required by license condition number 3 of the facility's 2006 construction and demolition debris facility license. Penn-Ohio must immediately submit a topographic map to Ohio EPA which complies with OAC Rule 3745-400-11(B)(13) for the facility as it existed in December 2006.

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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: John Hujar, DSIWM-NEDO
Robert Morehead, Columbiana County General Health District
File: [Tukel/CONS/Total Waste Logistics - Penn-Ohio/COR/15]

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Sent to *Tim Clark*

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