



State of Ohio Environmental Protection Agency

**Northeast District Office**

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Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

June 19, 2008

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

**CERTIFIED MAIL**

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

Dear Mr. Costa:

On May 5, 2008 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 Rd, City of Girard. Jerry Weber and I represented Ohio EPA during this inspection. You represented TWL and James Dobson represented the City of Girard Health Department.

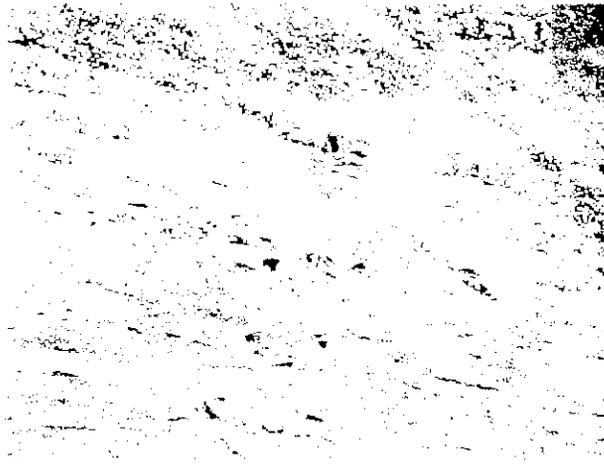
This inspection was conducted to determine compliance with Ohio Revised Code (ORC) 3714. and Ohio Administrative Code (OAC) 3745-400, and ORC 3734 and OAC 3745-27. The facility's daily logs, unloading zone, working face, and the active and inactive disposal areas were inspected on this date.

At the time of our arrival, several truck loads of construction and demolition debris had been deposited in the unloading zone and had not been pushed into the working face. This waste had not been pulverized.

The working face was small and several litter pickers were removing unauthorized waste from both the unloading zone and the working face. Upon our arrival at the working face, Mr. Weber and I inspected the waste. All of the solid waste that was identified was removed during that portion of the inspection. The waste removed included but was not limited to: a laundry basket, a couch cushion, plastic children's toys, plastic beverage bottles, a stuffed animal, an automobile floor mat, a phone book, articles of clothing, a flower pot, a liquid soap container, magazines, an office chair, and food packaging.

We then walked through an area to the north of the working face that had been poorly covered with soil. A large amount of solid waste was noted on the surface and protruding through the cover soil in this area. This area had not been adequately covered and all of the solid waste was required to be removed while this area was still being used as the working face. The solid waste in this area included but was not limited to: four milk crates,

cushions, a garbage can lid, ten items of clothing, two gloves, a small tire, seven plastic beverage bottles, artificial Christmas tree limbs, food packaging, a cleaning brush, an electrical circuit board, a V-belt, a plastic bowling pin, and a garden hose.



Solid waste and lack of weekly cover.



Lack of weekly cover.

We proceeded toward the west and walked around the waste disposal area(s) north of the power lines. The entire northern face of the landfill had been hydroseeded during the winter and grass had begun to grow. The vegetation was not well established and the conditions causing the erosion had not been corrected. One erosion rut was deep enough to expose waste and large quantities of sediment were being washed into the surface water control ditches. The facility has not corrected the conditions causing the erosion.



Failure to control erosion.



Sediment washed into ditch.

There was one leachate seep near the toe of the slope that was flowing to the surface water ditch. The leachate was not visibly flowing down the ditch and was not observed to be entering the sediment ponds or waters of the state. The owner or operator directed the placement of soil over the area of the outbreak in an attempt to stop the leachate outbreak.

Ohio EPA suggested that if the leachate outbreak continued, one common method of repair is to excavate the area and place permeable material that would direct the liquid to the collection system. Then cover the area with impermeable soil.



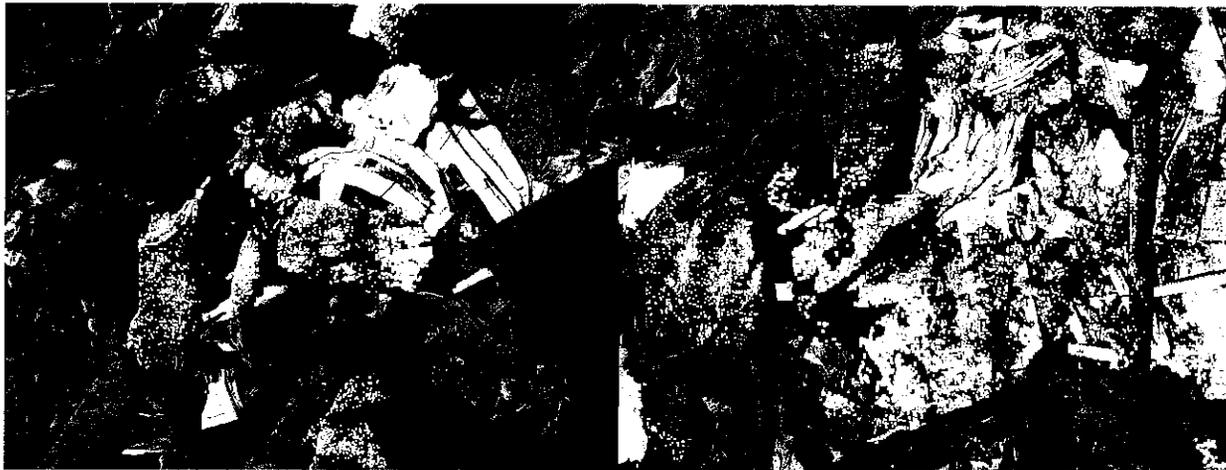
Ponding area.

Failure to control erosion.

During the investigation of a damp area near the top of the slope, it was noted that several areas on the top of the landfill placement areas were not graded to ensure positive drainage. The ponded water can infiltrate through the cover soils and increase leachate production. You informed me that some grading was needed for access by the hydroseeding equipment and the grading was accomplished during weather that was not ideal for working with soils and it resulted in the ponding areas. These areas must be graded to create positive drainage

After we walked around the waste placement areas, we returned to the unloading zone and the working face. Several additional loads of debris had been pushed into the working face since our original inspection of the area. We conducted another walk through the working face to observe the waste material. Additional solid waste was noted on the surface of the working face. This solid waste included but was not limited to: a paperback book, a snow ski, a plastic holder for a three ring binder, a pair of scissors, a beer can, plastic fence, food wrappers, plastic beverage containers, a stack of receipts, several beverage cans, a magazine, packaging for a toy, a cable TV advertisement, a three ring binder, clothing, a garbage bag of paper, a propane cylinder, a towel, a milk crate, a newspaper, a shop vac filter cap, packaging from a shop vac filter, and a fast food beverage holder. The solid waste observed in the working face during this portion of the inspection was removed.

However, the volume that was placed in the working face during the short time between the two observation periods in conjunction with the amount of solid waste observed in the areas of previous waste placement lead me to believe that solid waste is not being effectively removed. Similar observations have been made during previous inspections. It appears that the methods used to remove prohibited material are not effective and solid waste is being disposed of at this facility.



Solid waste in working face.

Solid waste in working face.

The facility accepted 2031.28 yards of debris on May 2, 2008 which would be the most recent full day of operation prior to the date of this inspection, however I did not request the volume of solid waste removed from the working face during this inspection so I could not determine compliance with Ohio Revised Code (ORC) 3714.081.

The amount of solid waste in previously filled areas indicates that the owner or operator is not attempting to remove all solid waste in the unloading zone. This failure to attempt to remove all solid waste in the unloading zone and disposing of solid 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. **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."
3. **OAC 3745-400-11(F)(2)**: "The owner or operator of a facility shall not dispose of any solid wastes..."
4. **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."
5. **OAC 3745-27-05(C)**: "No person shall conduct, permit, or allow open dumping."

In order to return to compliance with applicable rules and regulations, the owner or operator shall immediately remove all solid waste from incoming loads in the unloading zone. The owner or operator must also remove all prohibited material from the working face of the facility and any other disposal areas. The owner or operator shall dispose of the prohibited material in accordance with applicable regulations.

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

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 the ponding and erosion including but not limited to establishing vegetative cover and following the Storm Water Pollution Prevention plan for the facility.

While it was not a violation on this date, the owner or operator must inspect the facility for leachate outbreaks. If an outbreak is found, the operator must contain the leachate, manage and dispose of the leachate in accordance with applicable regulations, and repair the outbreak in accordance with OAC 3745-400-11(O).

Joe Costa  
TWL-LAS  
June 19, 2008  
Page 6

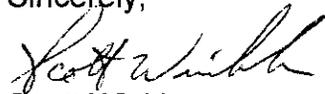
While it was not a violation on this date, the owner or operator must inspect the facility for leachate outbreaks. If an outbreak is found, the operator must contain the leachate, manage and dispose of the leachate in accordance with applicable regulations, and repair the outbreak in accordance with OAC 3745-400-11(O).

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, the changes made to procedures that will ensure all solid waste is removed in 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 J. Bryan, AGO  
File: [Prinic/CONS/Lordstown Construction Recovery/COR/78]

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