



State of Ohio Environmental Protection Agency

Northeast District Office

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

May 19, 2008

RE: **NOTICE OF VIOLATION
TOTAL WASTE LOGISTICS
PENN-OHIO FACILITY C&DD LANDFILL**

CERTIFIED MAIL

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

Dear Mr. Costa:

On May 13, 2008, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a partial inspection of the Total Waste Logistics, Penn-Ohio Facility C&DD Landfill (Penn-Ohio), located approximately 2000 feet north of the intersection of State Routes 154 and 170 in Negley, Columbiana County, Ohio. The inspection focused on activities related to surface water management and weekly cover of debris disposed in the active licensed disposal area. The purpose of the inspection was to determine compliance with Ohio Revised Code (ORC) 3714. and Ohio Administrative Code (OAC) 3745-400, and ORC 3734. and OAC 3745-27. Weather conditions were sunny with a temperature of approximately 70°F.

I was accompanied by Dan Bogoevski, Joe Trocchio, and Phil Rhodes, representing the Ohio EPA Division of Surface Water; and Guy Fragle, Joe Costa, Anthony Sebastiani, Mike Stepic, and Lacey Hanson, representing the facility owner/operator during the inspection.

The following violation was identified during this inspection:

1. **Weekly Cover:** During this inspection it was observed that combustible debris in portions of the landfill remained uncovered since the last inspection on April 22, 2008. Some of these areas were located in portions of the landfill where disposal has not taken place for a number of years. Other areas with uncovered combustible debris existed where cover had been applied previously, vegetation has failed, and weathering apparently caused debris to be exposed. It was evident during this inspection that the facility operator had covered some portions of the landfill where combustible debris was previously exposed. The facility operator was also actively placing cover soil over exposed debris during the inspection. However, large areas of the landfill remained uncovered.

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The following are pictures of the same area on the landfill, taken during different inspections:



Taken during March 27, 2008, inspection.



Taken during April 22, 2008, inspection.



Taken during May 13, 2008, inspection.

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Penn-Ohio remains in violation because it has failed to cover and maintain cover over all combustible debris disposed within the landfill on a weekly basis. Penn-Ohio's failure to cover all combustible debris at its C&DD facility on a weekly basis is a violation of the following:

- a. **OAC Rule 3745-400-11(H)(1)**: *"The owner or operator shall operate the facility in a manner that prevents fires by...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."*

In order to return to compliance with all applicable laws and rules, after all prohibited solid wastes are removed from the landfill, the owner or operator must immediately apply cover soil to all disposed combustible debris, and continue to cover all disposed combustible debris on a weekly basis, at a minimum.

The following observations were made during this inspection:

1. Strong hydrogen sulfide gas odors were detected while on the access road surrounding the landfill. The hydrogen sulfide odors were as strong as any that have been detected at this facility as of the date of this inspection.
2. The operator indicated that as soon as the landfill has been completely covered, seeding will be conducted. It was indicated that seeding will be conducted by early June 2008.
3. Comments regarding surface water management issues were provided by Dan Bogoevski under separate letterhead dated May 16, 2008.

Please provide written notification to me within 15 days of receiving this letter which documents how the violation listed above has been corrected, and what measures will be implemented in the future to prevent any such recurrence of this violation.

Failure to correct the above violation and to operate this facility in accordance with all applicable state laws and rules may result in escalated enforcement actions being taken against the owner or operator of this facility by Ohio EPA.

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.

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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: Robert Morehead, Columbiana County Health Department
File: [Prinic/CONS/Total Waste Logistics Penn-Ohio/COR/15]

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