



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
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May 5, 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 April 22, 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 taking place within the disposal cell. 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 Scott Winkler, representing Ohio EPA, and Joe Costa, representing the facility owner/operator during the inspection.

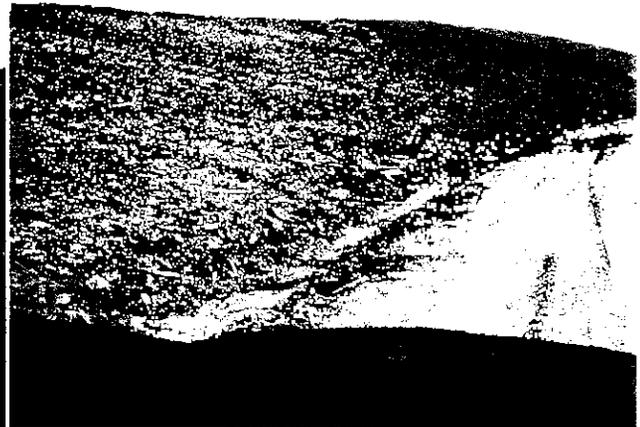
The following violations were identified during this inspection:

1. **Weekly Cover:** During this inspection it was observed that combustible debris in portions of the landfill remained uncovered since the last inspection on March 27, 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. While it was evident during this inspection that the facility operator had covered portions of the landfill where combustible debris was exposed, large areas still had not received cover soil.

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



Taken during March 27, 2008, inspection.



Taken during April 22, 2008, inspection.

Penn-Ohio is 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.

2. **Disposal of Solid Waste:** During this inspection solid waste was observed disposed and buried both in the facility working face and in areas of the landfill where disposal was not taking place and cover soils had been applied. The solid waste observed disposed in the landfill included, but was not limited to the following: a propane gas tank, too many couch/chair cushions to count, too many shoes/boots/sandals to count, a large number of stuffed children's toys, a

computer keyboard, a three ring binder containing a technical manual, a Verizon video box, a very large computerized appliance, a Huffy bicycle frame, too many articles of clothing to count, too many beverage containers to count, a bowling ball, numerous tennis balls, a basketball, several mattress springs, several whole scrap tires, long lengths of very thick rope, a small trampoline, several lawn chairs, hundreds of small ointment packages, large blue plastic water wheel parts, a golf club bag, magazines, record albums, cassette tapes, motor oil containers, detergent containers, green and white plastic storm drain signs, plastic Dirt Devil bags, large children's toys, gloves, Christmas decorations, bicycle tires, sectioned metal degreaser plastic drums, newspapers, office papers, building plans, a Fleetguard filter, a toilet plunger, a large spool of heavy string or light rope, a folding camping chair, a Brookstone tote bag, a black plastic nursery pot, large pieces of yellow and orange foam padding, steel shelving, a red plastic gasoline can, women's' purses, food wrappers, plastic milk crates, Rubbermaid trash cans, a red life preserver vest, green garden hoses, several telephones, the head of a mannequin, plastic free weights, and a large volume of rotten stinking putrescent garbage.

The following pictures are of solid waste observed buried at Penn-Ohio during this inspection:



Buried propane gas tank.



Buried tire.



Buried furniture cushion.



Buried cushion.



Buried chair.



Unburied chair.

In accordance with ORC Section 3734.01(I), "Open dumping" means the depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code."

Penn-Ohio is in violation because it has allowed the disposal and open dumping of solid waste at its facility. Penn-Ohio's open dumping of solid waste at its C&DD facility is a violation of the following:

- a. **ORC Section 3714.021(B)**: *"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 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."

- b. **OAC Rule 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."*

For the purpose of this rule, OAC 3745-400-01 states, *"'Construction and demolition debris' or 'debris' means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. 'Construction and demolition debris' does not include materials identified as solid wastes, infectious wastes, or hazardous wastes pursuant to Chapter 3734. of the Revised Code and rules adopted under it..."*

- c. **OAC Rule 3745-400-11(F)(2)**: *"The owner or operator of a facility shall not dispose of any solid wastes except as follows:*
- (a) *Packaging which results from the use of construction materials may be disposed if it is incidental to the load.*
 - (b) *Tree stumps, trunks and clean branches exceeding 4 inches in diameter may be disposed...*
 - (c) *Asbestos materials subject to NESHAP, 40 CFR Part 61, Subpart M, may be disposed of only if the necessary air pollution permits have been issued."*

- d. **OAC Rule 3745-400-11(F)(3)**: *"The owner or operator shall deposit incoming loads of debris at a designated unloading zone where debris shall be inspected and all prohibited wastes shall be removed..."*
- e. **ORC Section 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."*
- f. **OAC Rule 3745-27-05(C)**: *"No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed."*

In order to return to compliance with all applicable laws and rules, the owner or operator must remove and properly dispose of all solid waste that has been disposed at its facility. By virtue of the facts that the above documented wastes were present in such a widespread area, that the wastes were present in areas where disposal was not presently occurring, and that many of the wastes had been at least partially buried with soil or other wastes, it indicates that insufficient effort is being made to remove solid wastes from both the facility unloading zone and working face at the facility. In order to prevent a similar violation in the future, the owner or operator of Penn-Ohio must remove all solid waste from its facility and dispose of it appropriately.

The following observations were made during this inspection:

1. Hydrogen sulfide gas odors were detected while on the landfill. The hydrogen sulfide odors were the strongest that have been detected at this facility as of the date of this inspection.
2. The operator indicated that efforts to apply cover soil over disposed debris on the landfill continue. The operator indicated that one load of soil is being placed at the top of the landfill each day.
3. 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 at the appropriate time of the year for the first time at this facility.

Mr. Joe Costa
Total Waste Logistics
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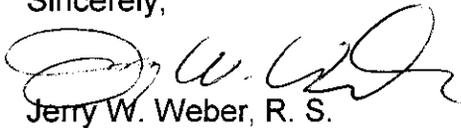
Please provide written notification to me, within 15 days of receiving this letter, which documents how the violations listed above have been corrected, and what measures will be implemented in the future to prevent any such recurrence of these violations.

Failure to correct the above violations 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.

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: [Princip/CONS/Total Waste Logistics Penn-Ohio/COR/15]

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