



Environmental  
Protection Agency

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

May 22, 2012

RE: NOTICE OF VIOLATION  
COMPREHENSIVE INSPECTION  
4<sup>TH</sup> QUARTER F.Y. 2012  
TOTAL WASTE LOGISTICS  
PENN-OHIO FACILITY C&DD LANDFILL

**CERTIFIED MAIL 7010 3090 0000 3936 2933**

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

Dear Mr. Costa:

During the dates of May 14, 15, 17, 18 and 21, 2012, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a comprehensive inspection of the Total Waste Logistics, Penn-Ohio Facility C&DD Landfill (Penn-Ohio), located at 7555 North Street, approximately 2000 feet north of the intersection of State Routes 154 and 170 in Negley, Columbiana County, Ohio. The purpose of the 4<sup>th</sup> quarter F.Y. 2012 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.

Mr. Costa accompanied me during the inspection. Jeff Rizzo, representing Ohio EPA was present at the facility from May 14 through 17, 2012, to observe the drilling of Monitoring Well MW-5D.

The following violation was observed during the course of the 4<sup>th</sup> quarter F.Y. 2012 inspection:

1. **Failure to Control Mosquitoes.** During this inspection, approximately 24-30 off-road construction tires and truck tires were observed stored in a remote area of the landfill facility. The scrap tires were generated by the facility owner/operator. Ohio EPA observed live mosquito larvae and pupae in the scrap tires. Ohio EPA did not observe adult mosquitoes emerging from the scrap tires stored at the facility.

Penn-Ohio is in violation because it failed to control the breeding of mosquitoes in the scrap tires currently being stored at the facility. The failure to control the breeding of mosquitoes in the scrap tires currently being stored at the facility is a violation of the following:

- A. **OAC Rule 3745-27-60(C)**: *"Anyone storing scrap tires shall maintain mosquito control as follows:*

- (1) *One or more of the following shall be done to control mosquitoes:*

- (a) *Remove liquids from scrap tires within twenty-four hours of accepting the scrap tires.*
  - (b) *Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times.*
  - (c) *Within twenty-four hours of accepting scrap tires containing liquid, arrange for the application of a pesticide or larvicide, which is registered for use as mosquito control by the Ohio department of agriculture.*
- (2) *Maintain mosquito control by keeping all tires dry or by continuing applications of a pesticide or larvicide to all scrap tires stored outdoors at no greater than thirty-day intervals or as recommended by the manufacturer or formulator.*
- (3) *Maintain mosquito control records at the premises indicating the name, type, and amount used per tire, and EPA registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the pesticide or larvicide. The property owner of the owner or operator of the premises shall make the mosquito control records available for inspection by the director or the health commissioner during normal operating hours. The owner or operator shall retain copies of mosquito control records for a minimum period of three years.*

In order to return to compliance with all applicable laws and rules, the owner or operator of Penn-Ohio must immediately remove all scrap truck tires from the facility and transport them via a scrap tire transporter which is registered with the State of Ohio (for more than 10 tires in a load), to a scrap tire disposal facility which is authorized by the State of Ohio. Off-road construction tires must either be removed from the facility as instructed above, or, in accordance with Section 3734.86 of the Ohio Revised Code and Rule 3745-27-60(E) of the Ohio Administrative Code. Penn-Ohio may dispose of its off-road construction and mining equipment tires, that have a bead width of at least fourteen inches and a rim or wheel diameter of at least twenty-four inches, on property it owns. There are several conditions contained within rule that limit how and where the tires may be buried. Please keep in mind that for your facility, these tires cannot be disposed within the current or any proposed future limits of waste placement for the landfill as scrap tires are prohibited for disposal at C&DD facilities. I have included copies of both the statute and rule referenced earlier in this letter for your convenience. Please review these carefully when considering whether to dispose of these tires on Penn-Ohio's property. While this option to dispose of the tires is open to you, please keep in mind that recycling options, especially retreading of these valuable tires can be more cost effective and should be explored before these tires are buried.

In addition to the above violation, the following were observed during this inspection:

1. Drilling of monitoring well MW-5D took place during the week of May 14, 2012. This was the first of multiple wells that will be drilled in order to comply with the license conditions which are attached to both the 2012 operating license, as well as the 2012 modification license. MW-5D was set on May 21, 2012.
2. The facility has not operated in approximately two years. There are currently no debris disposal operations taking place at this facility. Railcars loaded with debris are currently sitting in the railcar unloading area.
3. Moderately strong hydrogen sulfide gas odors were detected on the landfill during this inspection while on the access road in the northeastern portion of the landfill. The facility owner or operator was instructed to inspect the landfill cover in the vicinity of the odors to ensure that it was sufficient to control odors. In any event, the owner or operator is responsible for controlling the escape of gas and odors being generated by the facility to ensure that they do not create a nuisance for the public surrounding the facility.
4. No hydrogen sulfide gas odors were detected outside the facility on this occasion.
5. Erosion channels of varying severity have developed across the landfill. Covering and re-grading of the landfill must be conducted in order to correct these conditions and prevent them from progressing to the level that they become compliance issues.
6. Multiple minor leachate outbreaks were observed on the eastern slope of the landfill. No leachate was observed running from the outbreaks; leachate staining was observed on the surface of the landfill. The leachate outbreaks must be repaired immediately. Until such time that these leachate outbreaks are repaired, surface water which accumulates in the bottom of cell 3 below the outbreaks may not be pumped out and into the adjacent surface water pond.
7. The controls for the leachate collection system pumps and alarms were functioning properly at the time of the inspection. The control for the pump at leachate tank control panel #2 had previously exhibited a malfunction.

The owner and operator of Penn-Ohio need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Penn-Ohio is requested to provide documentation to this office including the steps taken to abate the violation cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [jerry.weber@epa.state.oh.us](mailto:jerry.weber@epa.state.oh.us).

Please be advised that the violation cited above will continue until the violation has been properly abated. Failure to comply with Chapters 3714 and 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation.

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It is imperative that you return to compliance. If circumstances delay the abatement of violations, Penn-Ohio is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1274, or e-mail me at "[jerry.weber@epa.state.oh.us](mailto:jerry.weber@epa.state.oh.us)."

Sincerely,



Jerry W. Weber, R. S.  
Environmental Specialist  
Division of Materials and Waste Management

JWW:cl

cc: File: [Sowers/CONS/Total Waste Logistics Penn-Ohio/COR/15]

ec: Kristopher Weiss, PIC  
Lori Barnes, Columbiana County Health Department