



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

August 13, 2012

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

CERTIFIED MAIL 7011 0470 0002 3496 0323

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

Dear Mr. Fragle:

On August 1, 2012, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a partial inspection and an odor survey outside the facility boundary 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 partial inspection and odor survey was to determine compliance with Ohio Revised Code (ORC) 3714 and Ohio Administrative Code (OAC) 3745-400.

I was accompanied by Ron Rager, representing the facility owner or operator, during the inspection conducted inside the facility boundary.

The following violations were observed during the course of this inspection:

1. **Nuisance:** During this inspection, strong odors, most likely related to hydrogen sulfide gas based on the rotten egg odor, were emanating from the landfill. These odors were first detected on State Line Road during an odor survey conducted around the perimeter of Penn-Ohio. The odor intensity was "2" out of "4" on an odor intensity scale at a location on State Line Road, approximately 0.9 – 1.0 mile north of the intersection of State Line Road and Darlington Road. Strong hydrogen sulfide odors were then confirmed on the landfill. Access to the top of the landfill had recently been opened up, and while on top the landfill, it was observed that settling had occurred which had allowed water to pond in the past. Also observed was debris that had become exposed through weathering away of the landfill cover. Failure to cover debris and prevent ponding of water on the landfill can contribute to landfill gas generation by allowing water to enter the waste mass. A follow-up odor survey outside the facility boundary was conducted approximately 90 minutes after the first, and the hydrogen sulfide odors were again detected in the same location as previously detected on State Line Road. Winds were out of the southwest during this inspection.

Penn-Ohio is in violation because it has failed to eliminate the conditions leading to the generation of hydrogen sulfide gas, and to control the release of hydrogen sulfide gas. Failure to eliminate the conditions leading to the generation of hydrogen sulfide gas, and failure to control the release of hydrogen sulfide gas which has resulted in odors offensive to the senses being released to the surrounding community has resulted in a violation of the following:

- a. **OAC Rule 3745-400-11(B)(15)**: *“The owner or operator shall not cause or allow operations to create a nuisance or health hazard from noise, dust, odors, and the attraction and/or breeding of birds, insects, rodents, and other vectors.”*

In order to return to compliance with this rule, the owner or operator must immediately employ any and all measures necessary to eliminate the conditions leading to the generation of hydrogen sulfide gas, and to control the release of hydrogen sulfide gas from the landfill.

2. **Fire Control:** During this inspection it was observed that debris had become exposed due to the weathering away of the soil landfill cover on the very top of the landfill.

Penn-Ohio is in violation because it has failed to maintain soil cover on all disposed combustible debris. Failure to maintain soil cover on all disposed combustible debris has resulted in a violation of the following:

- a. **OAC Rule 3745-400-11(H)**: *“The owner or operator shall operate the facility in a manner that prevents fires by doing one of the following...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 this rule, the owner or operator must immediately place soil cover over all exposed debris. Doing so may also help to control the release of hydrogen sulfide gas from the landfill.

3. **Surface and Ground Water Management:** During this inspection, it was observed that over time the landfill has settled and areas now exist that allow for the ponding of water on top of the landfill. Erosion channels were also observed in various portions of the landfill.

Penn-Ohio is in violation because it has failed to grade the facility and to provide drainage systems to insure minimal infiltration of water through the cover material as well as erosion of the cover material. Penn-Ohio is also in violation because it has failed to correct the conditions causing the ponding and erosion.

- a. **OAC Rule 3745-400-11(Q)**: *"The owner or operator shall control surface and ground water to minimize the generation of leachate in the following manner:*
- (2)** *The owner or operator shall grade the facility and provide drainage systems to insure minimal infiltration of water through the cover material and cap system as well as erosion of the cover material and cap system.*
 - (3)** *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."*

In order to return to compliance with this rule, the owner or operator must immediately grade the facility to provide drainage systems to insure minimal infiltration of water through the landfill cover material as well as erosion of the cover material. The owner or operator must also immediately correct the conditions causing the ponding and erosion.

The following observations were made during this inspection:

1. The facility has not operated in approximately 2 ½ 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.
2. General cleanup was being conducted around the facility. Roads are being cut in to more easily access the facility's ground water monitoring wells.

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 violations 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.

Please be advised that the violations cited above will continue until the violations have 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. 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.

Mr. Guy Fragle
Total Waste Logistics
August 13, 2012
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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."

Sincerely,



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

JWW:cl

cc: Live Earth Acquisitions, LLC
Joe Costa, Total Waste Logistics
Ron Rager, Tervita
File: [Sowers/CONS/Total Waste Logistics Penn-Ohio/COR/15]

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