



**Environmental
Protection Agency**

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

March 14, 2011

Mr. Guy F. Fragle, Director of Operations
Total Waste Logistics, Inc., LLC
7131 Akron Canfield Road
Canfield, Ohio 44406

**RE: Total Waste Logistics LLC
Construction & Demolition Debris Facility
Notice of Violation**

Dear Mr. Fragle:

Ohio EPA issued a 2011 Construction and Demolition Debris Facility License to Total Waste Logistics LLC in Negley, Ohio. The Ohio Administrative Code ("OAC") Rule requires that the financial assurance instrument be funded not later than thirty days after the licensing authority issues a construction and demolition debris facility license.

Ohio Administrative Code Rule 3745-400-13(A)(2) states, in part, that "The financial assurance instrument submitted in accordance with paragraph (A)(1) of this rule shall be funded not later than thirty days after the licensing authority issues a construction and demolition debris facility license."

Ohio EPA issued the 2011 Construction and Demolition Debris Facility License to Total Waste Logistics LLC on February 3, 2011. Therefore, the adjusted financial assurance instrument should have been submitted to Ohio EPA by March 5, 2011. To date, no updated financial assurance has been received by Ohio EPA. Since Total Waste Logistics LLC failed to increase the amount listed on the financial assurance instrument within the time period allowed, Total Waste Logistics LLC is in violation of OAC Rule 3745-400-13(A)(2).

Total Waste Logistics LLC maintains a performance bond through Ohio Indemnity Company in the amount of \$454,600.00. The amount must be increased to cover the cost of closure at this construction and demolition debris facility based on the 2011 Construction and Demolition Debris Facility License. This increase may be done by submitting to Ohio EPA from the surety bond company a rider increasing the amount of the surety bond or by submitting to Ohio EPA an alternative financial assurance mechanism.

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Total Waste Logistics LLC remains in violation of Ohio's financial assurance rules until the amount of the financial assurance instrument is increased or an alternative financial assurance mechanism meeting the requirements of OAC Rule 3745-400-14 is funded in the appropriate amount and submitted to Ohio EPA.

Please respond in writing within fifteen days after receipt of this letter and indicate how you will resolve this ongoing violation. 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/operator, 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, call me at (614) 728-5343.

Sincerely,



Fanny Haritos
Compliance Monitoring and Enforcement Unit
Division of Solid and Infectious Waste Management

FH/sw

cc: Jerry Weber, DSIWM, NEDO
Jennifer Kurko, DSIWM Supervisor, NEDO