



State of Ohio Environmental Protection Agency

Northeast District Office

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

August 28, 2007

RE: **A&L SALVAGE LLC C&DD LANDFILL
NOTICE OF VIOLATION**

CERTIFIED MAIL

Mr. Dave Brown
A&L Salvage LLC
11225 SR 45
P.O. Box 333
Lisbon, Ohio 44432

Dear Mr. Brown:

On August 8, 2007, Scott Winkler and I, representing Ohio Environmental Protection Agency (Ohio EPA) conducted a partial inspection of the A&L Salvage LLC construction and demolition debris (C&DD) landfill, located at 11225 State Route 45 in Columbiana County. You and Jason Plunkett, representing A&L Salvage LLC, accompanied us during the inspection. Weather conditions were sunny with temperatures around 90^o F.

The purpose of the inspection was to determine compliance with Ohio Revised Code (ORC) Sections 3714. and 3734., and Ohio Administrative Code (OAC) Chapters 3745-400 and 3745-27.

The following violations were identified during this inspection:

1. **Solid Waste Disposal:** During this inspection, solid waste was observed disposed at this facility. The solid waste was observed in the facility working face. The solid waste included: a stack of plastic flower pots, furniture cushions, shoes, fire extinguisher, propane tank, doll, tool belt, floor lamp, bowling ball, Christmas decorations, pop cans, plastic bottles, telephone books, plastic motorized toy tricycle with two large batteries, plastic sled, backpack, two large inner tubes, books, dishes, coffee mugs and clothing.

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Two purple inner tubes, flower pots, and a shoe.



Hoses and furniture cushions.



Solid waste removal.

A&L Salvage is in violation because it was allowing the disposal of solid waste in its facility. A&L Salvage's disposal of solid waste at its C&DD facility is a violation of the following:

- A. **Ohio Administrative Code (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(F) 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 or listed as solid wastes, infectious wastes, or hazardous wastes pursuant to Chapter 3734. of the Revised Code and rules adopted under it..."*

- B. **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 (25 cm) in diameter may be disposed. For the purpose of this rule, clean branches means those without leaves and smaller branches attached.*
 - (c) *Asbestos materials subject to NESHAP, 40 CFR Part 61, Subpart M, may be disposed of only if the necessary air pollution control permits have been issued.*
- C. Ohio Revised Code (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 waste by open burning or open dumping."*
- D. OAC Rule 3745-27-05(C):** *"No person shall conduct, permit, or allow open dumping."*
- E. 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..."*

In order to comply with the above rules and law, the owner or operator must immediately cease accepting prohibited solid waste for disposal. The owner or operator must also remove all prohibited solid waste from this facility and dispose of it in a licensed solid waste disposal facility.

- 2. Solid Waste in Working Face Exceeded Specified Amount:** During this inspection, solid waste was observed in the working face. Ohio EPA requested A&L Salvage to remove prohibited solid wastes from the working face. Approximately nine employees of A&L Salvage attempted to remove the prohibited solid wastes from the facility's working face. However, the quantity of removed solid waste exceeded the calculated cubic yard maximum, pursuant to Amended Substitute House Bill 432 and ORC Section 3714.021(B).

A&L Salvage is in violation because solid waste is being disposed at the working face and the collected solid waste exceeded the calculated amount pursuant to OAC Section 3714.021(B). A&L Salvage is in violation of the following:

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*

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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."

The calculated cubic yard maximum for August 8, 2007 was:

$$\frac{4 \text{ CY}}{1,000 \text{ tons}} = \frac{X}{1,855.24 \text{ tons (previous day's C\&DD receipt)}}$$

Solve for X

$$(4)(1,855.24) = (1,000)(X)$$

$$7420.96 / (1,000)(X)$$

$$X = 7.420.96 \text{ CY or slightly less than } 7\frac{1}{2} \text{ cubic yards of solid waste}$$

The facility used a loader bucket to measure the collected solid waste. Mr. Plunkett said the loader bucket holds approximately 5 cubic yards. The litter pickers collected two loader buckets (approximately 10 cubic yards) of solid waste and there was still more solid waste at the working face which had not been added to the solid waste pile.

In order to fully comply with House Bill 432 and ORC Section 3714.021(B), all prohibited solid waste must be removed from the facility's working face.

The owner or operator must immediately take all necessary measures to return to compliance with Ohio's solid waste and C&DD laws and rules. Unless the information has already been submitted, 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 recurrence of these violations.

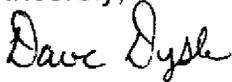
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Failure to correct the above violations and operate this facility in accordance with all applicable state laws and rules may result in escalated enforcement action being taken against the owner or operator of this facility by Ohio EPA.

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 A&L Salvage LLC 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) 963-1286, or e-mail me at ["dave.dysle@epa.state.oh.us."](mailto:dave.dysle@epa.state.oh.us)

Sincerely,



Dave Dysle
Environmental Specialist
Division of Solid and Infectious Waste Management

DD:cl

cc: Jerry Weber, DSIWM-NEDO
Scott Winkler, DSIWM-NEDO
Bruce McCoy, DSIWM-CO
Robert Morehead, Columbiana County Health Department
Steve Callahan, Liberty Waste Services, Pittsburgh, PA
File: [Tukel/CONS/A&L/COR/15]