



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

June 8, 2010

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

CERTIFIED MAIL

Mr. Steve Callahan
A&L Salvage, LLC
Dominion Tower, Suite 3100
625 Liberty Avenue
Pittsburgh, PA 15222

Dear Mr. Callahan:

As you know, while contractors are on site to conduct facility closure at the A&L Salvage Landfill, A&L Salvage, LLC (A&L) is required, pursuant to Ohio Administrative Code (OAC) Rule 3745-400-11(A) to comply with the landfill operational criteria until final closure has been certified and Ohio EPA has provided A&L written concurrence that the closure is complete. Among other operational requirements, OAC Rule 3745-400-11(P)(3) specifically requires the owner or operator, in this case A&L, to manage and dispose of leachate in accordance with applicable regulations.

On June 7, 2010, John Hujar and I, representing Ohio EPA, were at A&L observing closure activities and the installation of temperature monitors. We were accompanied by Ron Rager, representing A&L.

While at the facility, we also observed that the inlet pipe from the landfill leachate collection system to the leachate pond was approximately 50% submerged in leachate. A section of the geotextile pond cover was peeled back, and leachate under the pond cover was observed at a level that appeared to be at or very near the top leachate pond liner, the point where leachate would overflow the leachate pond. Overflowing of leachate would cause a serious threat to human health and the environment to the people of Columbiana County because of the potential for ground water contamination and nuisance odors, as well as the contamination and potential negative impacts to nearby streams and surface waters on which people, fish and other animals depend on for their survival and recreational enjoyment.

The owner of A&L is in violation of OAC Rule 3745-400-11(A) for its failure to comply with the landfill operational criteria until final closure has been completed as well as OAC Rule 3745-400-11(P)(3), due to A&L's failure to properly manage and dispose of leachate.

The Ohio Attorney General's Office has reminded your legal counsel of its obligations on a number of occasions. Several months ago, in response to claims of financial hardship, the State also requested copies of A&L's financial documents, but to date none have been provided. On June 2, 2010, Ohio EPA informed you that A&L is still expected to fulfill its requirements to maintain the site. At close of business on Friday June 4, 2010, you sent an e-mail message to Ohio EPA indicating that A&L knew its leachate pond was high and needed to be drained however you would not perform the necessary maintenance. While Ohio EPA has

Mr. Steve Callahan
A&L Salvage, LLC
June 8, 2010
Page 2

retained a contractor to fulfill the final closure obligations at the A&L Salvage landfill, the funds from the financial assurance are being utilized to construct an environmentally protective final cap over the waste at the site. It is uncertain at this time whether the amount of financial assurance will be able to cover the actual closure costs. Diverting the financial assurance funds away from cap construction to operational maintenance such as leachate disposal, as you suggest, will only drain necessary capping resources and may profoundly affect the State's closure efforts. A&L is still under the obligation to properly remove and manage leachate, among other operational maintenance requirements during closure and the post-closure care period. The fact that A&L has surrendered its financial assurance does not change these maintenance requirements.

Because A&L has neglected its statutorily mandated maintenance duties, and there is an immediate threat to human health and the environment of the citizens of Columbiana County, Ohio EPA will utilize its contractor to remove leachate from the leachate pond and have it properly managed in order to limit the immediate threat to human health and the environment. The State will follow up by sending an invoice to A&L to recoup funds that should rightly be directed toward site closure. Again, it is A&L Salvage's responsibility to conduct further site maintenance and monitoring, including leachate management.

If you have any further questions, please feel free to call me at (330) 963-1274, or e-mail me at jerry.weber@epa.state.oh.us. You may also contact my supervisor, Jennifer Kurko at (330) 963-1253.

Sincerely,



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

JWW/mt

cc: Bruce McCoy, Ohio EPA, DSIWM, CO
Nick Bryan, AGO
Joe Trocchio, Ohio EPA, DSW, NEDO
Jeffrey Kendall, A&L Salvage LLC
Andy Russell, A&L Salvage LLC
Donald Rea, A&L Salvage LLC