



State of Ohio Environmental Protection Agency

Northeast District Office

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

February 15, 2007

RE: **PARTIAL INSPECTION  
A&L SALVAGE, LLC C&DD LANDFILL**

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

Dear Mr. Rager:

On February 2, 2007, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a partial inspection of the A&L Salvage, LLC C&DD Landfill (A&L), located at 11225 State Route 45, Columbiana County. The purpose of the inspection was to determine compliance with Ohio Revised Code (ORC) 3714. and Ohio Administrative Code (OAC) 3745-400. Weather conditions were snowy with a temperature of approximately 28° F.

Ron Rager and Jason Plum, representing A&L, accompanied me during the inspection.

During the visit I inspected the facility working face and unloading zone, observed the access roads, and attempted to determine the presence of hydrogen sulfide gas. The following violations were identified during this inspection:

1. **Acceptance of Pulverized Debris.** During this inspection, one load of pulverized debris which was unidentifiable as construction and demolition debris (C&DD) was observed in the facility's unloading zone.

A&L is in violation because it accepted pulverized debris at the facility. Acceptance of pulverized debris is a violation of the following:

- a. **Ohio Administrative Code (OAC) Rule 3745-400-11(F)**: "Prior to acceptance by the facility, debris shall be readily identifiable as construction and demolition debris and shall not have been shredded, pulverized, or otherwise rendered to the extent that the debris is unidentifiable."
- b. **Ohio Revised Code (ORC) Section 3714.081(A)**: "A construction and demolition debris facility shall not accept pulverized debris."

In order to comply with the above law and rule, the owner and operator must ensure that prior to acceptance, debris shall be readily identifiable as C&DD and shall not have been shredded, pulverized, or otherwise rendered to the extent that the debris is unidentifiable.

Ohio EPA notified the facility owner or operator during the inspection that this load was unidentifiable as C&DD, and that the load must be removed from the facility and properly disposed at a licensed solid waste landfill.

2. **Solid Waste Disposal:** During this inspection prohibited waste was observed disposed at this facility. Prohibited solid waste disposed in the working face at this facility included, but was not limited to the following: a whole scrap tire, articles of clothing, record albums, magazines, plastic milk crates, and many beverage containers and food wrappers.

A&L is in violation because it was allowing the disposal of solid waste in its facility. The above solid wastes were observed disposed in the facility's working face during an inspection on February 1, 2007, and a day later, the owner or operator of A&L was unable to remove all of the solid waste from the facility's working face. The owner or operator is also not making sufficient effort to remove all prohibited wastes in the facility unloading zone, and that is making it impossible to remove the prohibited wastes from the facility's large working face. A&L's disposal of solid waste at its C&DD facility is a violation of the following:

- a. **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 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."*
- b. **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 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 as solid wastes, infectious wastes, or hazardous wastes pursuant to Chapter 3734. of the Revised Code and rules adopted under it..."*

- c. **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 in diameter may be disposed...*
  - (a) *Asbestos materials subject to NESHAP, 40 CFR Part 61, Subpart M, may be disposed of only if the necessary air pollution permits have been issued.*
- d. **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..."*
- e. **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 wastes by open burning or open dumping."*
- f. **OAC Rule 3745-27-05(C)**: *"No person shall conduct, permit, or allow open dumping."*

In order to return to compliance with all applicable laws and rules, the owner or operator must remove all prohibited solid waste from this facility and dispose of it in a licensed solid waste disposal facility. During the inspection, facility personnel were removing prohibited solid waste from both the current working face and areas where waste had been deposited on the previous working day(s). By virtue of the fact that these wastes were present in such volume in the facility working face, it indicates that insufficient effort is being made to remove prohibited solid wastes in the facility unloading zone. In order to prevent a similar violation in the future, the owner or operator of A&L must remove all prohibited solid waste in the facility unloading zone.

The following observations were made during this inspection:

1. The slight odor of hydrogen sulfide was detected both on State Route 45 at the Lisbon Community Church. The odor was stronger from approximately 11009 State Route 45 to the facility entrance. Hydrogen sulfide gas was also detected on the landfill. While walking through the facility working face, what appeared to be landfill gas odor, not hydrogen sulfide, was detected. This is the first time that this odor has been detected at this facility. Mr. Plum also observed the odor. Special attention will be made to document any such odor during future inspections will be made.

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2. A very minimal amount of drag out of mud from the facility onto State Route 45 was observed.
3. No loads of pulverized or unidentifiable debris were observed in the facility's unloading zone.
4. A moderate amount of solid waste was observed in the working face. The owner or operator indicated that a large portion of the working face was scheduled to be covered on February 2, 2007. Due to the amount of solid waste observed in the working face, I told the owner or operator that no cover soil could be applied to the working face until it was re-inspected. I told the owner or operator that I would return on February 2, 2007, to re-inspect the working face to ensure that all solid waste had been removed.
5. Facility records relating to a load of debris received on August 31, 2006, were reviewed. The original manifest from a load rejected by another facility revealed that the driver of the load had "whited out" the original destination, where the load had been rejected, and printed "A&L" in its place. Copies of all related logs were obtained, and the incident is under investigation.

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) 963-1274, or preferably, 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 Solid and Infectious Waste Management

JWW:cl

cc: Robert Morehead, Columbiana County Health Department  
File: [Tuke/CONS/A&L Salvage/COR/15]