



State of Ohio Environmental Protection Agency

Northeast District Office

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

February 20, 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 16, 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 sunny, windy and cold with a temperature of approximately 18° F.

Ron Rager, representing A&L was present at the facility, 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, an undetermined number of loads of pulverized debris which were unidentifiable as construction and demolition debris (C&DD) were observed in the facility's unloading zone. All of the loads were unloaded by the tipper, and they had been pushed into two long windrows which also extended into the working face, beyond the signs marking where the working face began. The windrows each measured approximately 300 feet in length, eight feet wide, and six to eight feet in height. All of the waste in the windrows had been heavily pulverized prior to being accepted by A&L. It was also evident that solid waste had been pulverized within the waste, as small pieces of solid waste were observed mixed throughout the pulverized debris. The waste reportedly arrived at A&L from a transfer facility in Brentwood, New York, called "MJ." The owner or operator was instructed to immediately isolate the waste so that none of it could be spread into the working face for final disposal. Ohio EPA requested the waste to be removed from the facility and disposed of properly in a licensed solid waste landfill. During the inspection three additional loads of this waste were stopped at the scale house prior to entering the facility. These loads were being hauled by Dart Trucking in Kephart Trucking trailers.

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 the loads were 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: whole scrap tires, many articles of clothing, many magazines, plastic milk crates, too many beverage containers to document, many food wrappers and containers, packages of gift wrapping, telephone books, household scrubbing brushes, personal and business checks, business files, hats, shoes, boots, household draperies, plastic milk crates, toiletry bottles, artificial Christmas decorations, a large plastic "Noel" electric lawn candle, garden hoses, many plastic department store bags, a basketball, a large green inflatable sea monster child's beach toy, laundry detergent bottles, chewing tobacco containers, numerous furniture cushions, and a large volume of pulverized solid waste observed in windrows which were present in both the unloading zone and working face. Disposed solid wastes were also observed in the working face in an area which had been prepared for asbestos disposal.

A&L is in violation because it was allowing the disposal of solid waste in its facility. The above referenced solid wastes were observed disposed and partially buried in the facility's working face, and mixed within a large volume of

pulverized waste during this inspection. 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...*
- (c) *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 the unloading zone, however, by virtue of the fact that these wastes were present in such large volumes 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, or make a determination that incoming loads of waste contain too much solid waste to be removed, and reject such loads.

The following observations were made during this inspection:

1. The odor of hydrogen sulfide was detected on the facility. Winds were out of the west/southwest, so the odors were originating from the central of western/southwestern portions of the landfill. The odor of hydrogen sulfide was not detected on State Route 45 during this inspection.
2. No drag out of mud from the facility onto State Route 45 was observed.
3. Copies of facility records relating to odor monitoring and prohibited solid waste disposal for the month of February were requested. The facility owner or operator agreed to fax the requested paperwork to Ohio EPA.

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4. Soil cover was being placed on the eastern portion of the landfill near the toe of the exterior slope.
5. The owner or operator acknowledged during a discussion regarding the size of the facility working face that a smaller working face would aid in more efficient removal of prohibited solid wastes, and that a smaller working face would be maintained in order to be able to cover more often in an effort to control hydrogen sulfide odors.
6. The owner or operator also agreed that the exterior 3:1 slopes would be constructed on the northeastern portion of the facility in smaller sections so that upon completion, cover soils can be placed on a more permanent basis in order to control hydrogen sulfide odors.
7. The area prepared for future asbestos disposal contained many stray bags of asbestos which had been exposed during preparation of the area. Bags were observed broken open and scattered about the area, both within the disposal pit and outside the pit on top of the berms surrounding the area. Pictures documenting this event were taken and will be turned over to the Division of Air Pollution Control for further action, if warranted.

The egregious nature of the violations observed during this inspection appears to indicate that A&L is either unable or unwilling to comply with Ohio's laws and rules relating to the disposal of pulverized debris and solid waste. The owner or operator of A&L must immediately take all necessary measures to return to compliance with Ohio's solid waste and C&DD laws and rules. A&L must take an aggressive approach to ensure that no pulverized waste is accepted by the facility, and that all prohibited solid waste is removed in the facility unloading zone prior to placing any debris onto the facility working face.

Please provide written notification to me within 7 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 any such recurrence of these violations.

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

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The following photograph shows waste from a load accepted February 16, 2007 that contains pulverized waste and an excessive amount of solid waste:



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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: [Tukel/Cons/A&L Salvage/COR/15]