



State of Ohio Environmental Protection Agency

Northeast District Office

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

March 1, 2007

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

Certified Mail

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

Dear Mr. Rager:

On February 18, 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 ranged from heavy snow to sunny, windy and cold, with a temperature of approximately 18° F.

A site security guard and a bulldozer operator were the only personnel present at the facility during the inspection.

During this inspection Ohio EPA inspected the facility working face and unloading zone, observed the access roads, attempted to determine the presence of hydrogen sulfide gas, and attempted to determine if weekly cover was being applied as required. The facility was not accepting debris disposal during this inspection. The following violations were identified during this inspection:

1. **Solid Waste Disposal:** During this inspection prohibited waste was observed disposed at this facility. The solid waste observed disposed in the working face was from, at a minimum, the previous day's operations. Prohibited solid waste disposed in the working face at this facility included, but was not limited to the following: scrap tires, articles of clothing, magazines, plastic milk crates, beverage containers, food wrappers and containers, telephone books, household draperies, garden hoses, a basketball, and parts of chairs.

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, located immediately down gradient to the east and north of the tipper. The owner or operator is 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 the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.”*

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. The owner or operator must also provide evidence that the solid waste observed during this inspection was actually removed. During the inspection, the bulldozer operator was requested to remove one plastic milk crate and one set of old bed springs from the working face in the area where he was applying cover material. There were no other facility personnel present at the facility during this inspection to police the facility working face in order to ensure that prohibited solid waste was not covered. By virtue of the fact that the above documented 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. It should be noted that except for the two items of solid waste removed from the working face by the bulldozer operator, as documented above, no solid waste was being removed from the facility working face during this inspection.

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2. **Weekly Cover.** During this inspection, debris in one small portion of the facility working face was being covered with brown shale. It is estimated that this portion of the facility working face constituted less than 10% of the total facility working face. Covering of this portion of the facility working face was completed during the course of the inspection. The rest of the facility working face was not covered with soil or weekly cover on this occasion. A&L has repeatedly maintained that ALL exposed debris is covered with soil/weekly cover every Sunday, and that debris disposal at the facility working face is resumed on top of the weekly cover on Monday mornings.

A&L is in violation because it has failed to cover all disposed combustible debris on a weekly basis. Failure to cover all disposed combustible debris on a weekly basis is a violation of the following:

- a. **OAC Rule 3745-400-11(H)(1)**: *“The owner or operator shall operate the facility in a manner that prevents fires by doing one of the following...Covering all disposed combustible debris on a weekly basis with soil, clean hard fill, or other material which is noncombustible. For the purposes of this rule, covering means to apply noncombustible material in a manner that combustible debris is not visible.”*

The following photograph shows where weekly cover was applied on Sunday February 18, 2007. The specific area where weekly cover was placed on this date is depicted as the thin brown strip on the upper right portion of waste placement near the middle of the picture. The rest of the facility working face which did not have weekly cover applied is depicted as the partially snow covered area extending from right to left from the brown strip on the upper right portion of waste placement near the middle of the picture to an area just behind the house on the left side of the picture:



3. **Cliffing.** During this inspection debris was observed “cliffed” on the eastern portion of the Active Licensed Disposal Area (ALDA), immediately down gradient of the tipper.

A&L is in violation because it failed to spread debris evenly over the working face and compact it to the smallest practical volume. Failure to spread debris evenly over the working face and compact it to the smallest practical volume is a violation of the following:

- a. **OAC Rule 3745-400-11(F)(3)(c):** *“Once prohibited materials are removed, the owner or operator shall spread and compact the debris on the working face. When debris is deposited on the working face, it shall be spread evenly over the working face and compacted to the smallest practical volume.”*

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- b. **OAC Rule 3745-400-11(F)(3)(d)**: *“Cliffing is prohibited. For the purposes of this rule, cliffing is the formation of an edge or cliff by the placement of debris to the working face without compacting.”*

In order to comply with the above rules, the owner or operator must immediately ensure that after removing all prohibited materials from incoming loads of debris in the unloading zone, debris is spread evenly over the working face and compacted to the smallest practical volume without cliffing.

The following photograph shows the area where solid waste was observed in the facility working face, one portion of the landfill where weekly cover was not applied, and areas where cliffing of waste was observed during the inspection conducted on Sunday February 18, 2007:



4. **Nuisance.** During this inspection, strong odors smelling like rotten eggs, related to hydrogen sulfide gas, were emanating from the landfill. These odors were detected both on the landfill and off the landfill, in the vicinity of the intersection of Black Road and DeSelle Road. Winds were out of the north/northeast during this inspection. The owner or operator of A&L failed to apply weekly cover to the landfill, as described in violation number 2, above. Application of cover soil is an essential component in controlling the generation of leachate in a landfill, and also in controlling the escape of hydrogen sulfide gases from a landfill.

Considering the numerous complaints received, the community surrounding the landfill finds the odors are offensive to the senses and interfere with the comfortable enjoyment of life and property.

During an inspection conducted on January 3, 2007, Ohio EPA also documented that the facility was generating hydrogen sulfide gases. Hydrogen sulfide gas odors were detected both on the facility and on State Route 45. Following this inspection, Ohio EPA has routinely monitored hydrogen sulfide gases at or beyond the facility boundary by using a Jerome Meter (Model 631) and has documented readings as high as 35 parts per billion as a one-hour average, and as high as 55 parts per billion as an instantaneous reading. Since January 3, 2007, Ohio EPA has documented hydrogen sulfide odors either on the landfill or in areas surrounding the landfill during its inspections, and the Ohio EPA Division of Solid and Infectious Waste Management Odor Hotline has been receiving odor related complaints from individuals who live around the landfill.

A&L is in violation because it has failed to eliminate the conditions leading to the generation of hydrogen sulfide gas, and to control the release of hydrogen sulfide gas. Failure to eliminate the conditions leading to the generation of hydrogen sulfide gas, and failure to control the release of hydrogen sulfide gas which has resulted in odors offensive to the senses and interference with the comfortable enjoyment of life and property of the surrounding community has resulted in a violation of the following:

- a. **OAC Rule 3745-400-11(B)(15)**: *"The owner or operator shall not cause or allow operations to create a nuisance or health hazard from noise, dust, odors, and the attraction and/or breeding of birds, insects, rodents, and other vectors."*

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In order to return to compliance with this rule, the owner or operator must immediately employ any and all measures necessary to eliminate the conditions leading to the generation of hydrogen sulfide gas, and to control the release of hydrogen sulfide gas from the landfill.

The following observations were made during this inspection:

1. While it could not be verified during this inspection, it appeared the waste which was determined to be pulverized and unidentifiable as construction and demolition debris during the February 16, 2007, inspection had been moved out of the facility unloading zone and working face, and had been isolated in an area of the ALDA, located to the south of the tipper. If this is the case, this is acceptable, and in accordance with ORC Section 3714.081, the waste must be removed from the facility not later than ten days from February 16, 2007, or in this case, by February 26, 2007.
2. No drag out of mud from the facility onto State Route 45 was observed.
3. The area prepared for future asbestos disposal which contained many stray bags of asbestos which had been exposed during preparation of the area, as observed during the February 16, 2007, inspection, remained open and uncovered. Due to the snow cover, it could not be determined on this occasion if the bags of asbestos had been removed from the area and properly disposed.
4. Three bags of regulated asbestos were observed sitting on top the snow in an open area adjacent to the facility working face, immediately down gradient of the tipper, on the eastern slope of the ALDA. Pictures documenting this event were taken and will be turned over to the Division of Air Pollution Control for further action.

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 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 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.

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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.

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."

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]