



State of Ohio Environmental Protection Agency

Northeast District Office

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

February 6, 2007

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

CERTIFIED MAIL

Mr. Ron Rager
A&L Salvage LLC
11225 S R 45
P.O. Box 333
Lisbon, OH 44432

Dear Mr. Rager:

On January 12, 2007, the Ohio Environmental Protection Agency (Ohio EPA) conducted a partial inspection of the A&L Salvage Construction and Demolition Debris Landfill, located in Columbiana County. Murat Tukel from Ohio EPA accompanied me during this inspection and you and Steve Callahan represented A&L Salvage.

This inspection was conducted to determine compliance with Ohio Revised Code (ORC) 3714. and Ohio Administrative Code (OAC) 3745-400, and ORC 3734 and OAC 3745-27. The facility's Active Licensed Disposal Area (ALDA) was the only part of this facility inspected on this date.

Area residents allege that there was an increase in hydrogen sulfide odor generated at this facility in the last month. These allegations correspond to the time in which the owner or operator of this site removed cover soil from a large area. The soil was removed to place additional waste in accordance with an authorization that allowed steeper exterior slopes. During this inspection, the owner or operator stated that additional equipment had been brought to the site and all of the waste would be covered by the end of the weekend.

On January 12, 2007, the facility was operating a tipper to unload some of the trucks. A dozer was pushing the waste from the tipper to make room for waste from additional trucks. This waste was not being spread in layers and compacted. The waste was being pushed off the edge of layers six to eight feet thick leaving steep drop offs that could not be compacted. Placing waste in this manner is termed cliffing.

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The new working face also contained large amounts of solid waste that was not being removed. The owner or operator was covering the solid waste with additional construction and demolition debris mixed with solid waste making the removal impossible.

Several loads were observed deposited at the facility. The waste in these loads had been pulverized prior to transport to this site. On this date, I informed you that the waste was pulverized and could not be accepted for disposal. In addition, these loads contained large amounts of solid waste. If the volume of solid waste is typical of other loads, it would not be possible to remove all solid waste prior to disposal and still maintain the volume of incoming truck traffic without considerable additional efforts.

The solid waste observed being buried included, among other things: clothing, beverage and food containers, children's toys, magazines, newspapers, furniture, cushions, books, curtains, cleaning solution containers, a phone book, shoes, boots, tires, medical information, a bowling ball, peps and coke cartons, a computer, a chair, a bicycle wheel, engineering drawings, a swimming pool cover, a large amount of crayola crayon boxes, and other items. These items were not removed from the disposal area and the evidence shows that solid waste was being buried.

Failure to spread the debris evenly over the working face and compact to the smallest practical volume is a violation of the following rules and regulations:

1. **OAC 3745-400-11(F)(3)(c) states:** *"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."*
2. **OAC 3745-400-11(F)(3)(d) states:** *"Cliffing is prohibited. For the purpose of this rule, cliffing is the formation of an edge or cliff by the placement of debris to the working face without compacting."*

Disposing of solid waste and accepting pulverized waste are violations of the following rules and regulations:

1. **Ohio Revised Code (ORC) 3714.021(B) states:** *"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 construction and demolition debris facility based on the amount 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."

2. **ORC 3714.081(A)** states: "A construction and demolition debris facility shall not accept pulverized debris."
3. **Ohio Administrative Code (OAC) 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."
4. **OAC 3745-400-11(F)(2)**: "The owner or operator of a facility shall not dispose of any solid wastes..."
5. **ORC 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."
6. **OAC 3745-27-05(C)**: "No person shall conduct, permit, or allow open dumping."
7. **OAC 3745-400-11(F)(3)**: "The owner or operator shall deposit incoming loads of debris at a designated unloading zone where the debris shall be inspected and all prohibited wastes shall be removed..."

In order to return to compliance with applicable rules and regulations, the owner or operator must immediately cease accepting pulverized waste and remove all solid waste from incoming loads in the unloading zone. The owner or operator must also remove all prohibited material from the facility and dispose of the material in accordance with applicable regulations.

Please respond to this letter within fifteen days of receipt. Your response should include documentation that all solid waste was removed from the disposal areas, and documentation that all loads containing pulverized material were rejected.

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The owner or operator of this facility must take all actions necessary to prevent the disposal of solid waste at this facility. As we discussed on site during this inspection, the volume of solid waste in these loads would make it very difficult if not impossible to comply with the rules and regulations of the state of Ohio.

The following photograph shows waste from a load accepted January 12, 2007 that contains pulverized waste and an excessive amount of solid waste:

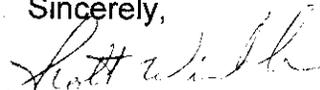


Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the Entity from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

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If you have any questions regarding this letter, please feel free to contact me at (330) 963-1220.

Sincerely,



Scott Winkler
Division of Solid and Infectious Waste Management

SW:cl

cc: Jerry Weber, DSIWM, NEDO
Bob Morehead, Columbiana County Health Department
Tom Barozzi (e-copy)
File: [Tukel/CONS/A&L Salvage/COR/15]