



State of Ohio Environmental Protection Agency

Northeast District Office

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

November 5, 2007

**RE: Notice of Violation
Explosive Gas Monitoring Results
A&L Salvage C&DD Landfill**

Certified Mail

Mr. Stephen M. Callahan
Director of Operations
A&L Salvage LLC
PO Box 333
Lisbon, Ohio 44432

Dear Mr. Callahan:

The Ohio Environmental Protection Agency (Ohio EPA) has received the results from explosive gas monitoring conducted by the A&L Salvage, LLC C&DD Landfill (A&L) on October 24, 2007. The results, contained in the document, dated October 25, 2007, and received by Ohio EPA on October 26, 2007, indicated that proposed landfill gas monitor #1 (LGM-1) had not been installed as required.

The following violations were documented upon review of the above listed explosive gas monitoring reports for A&L:

1. **Explosive Gas Monitoring.** In accordance with Order Number 1, paragraph "g" of Director's Final Findings and Orders (DFF&Os), dated March 1, 2005, the closure/post closure plan was to include an explosive gas monitoring plan entitled, "Landfill Gas Migration Monitoring Plan" that included a commitment to install at least one permanent gas well (monitor) between the limits of waste placement and any occupied structure, as that term is defined in Ohio Administrative Code (OAC) Rule 3745-27-12, which is located within one thousand (1000) feet horizontal distance from emplaced wastes. Further the DFF&Os required a commitment to perform explosive gas monitoring in accordance with OAC Rule 3745-27-12 to the extent explosive gas that equals or exceeds the lower explosive limit for methane is detected migrating from the facility.

OAC Rule 3745-27-12(A)(5) states, "For the purposes of this rule, 'occupied structure' means an enclosed structure where one or more human beings may be present, but does not include structures that are open to natural free air circulation such that the explosive gas hazard is minimized." This rule specifically refers to the fact that human beings *may* be present, not that they shall be present in an occupied structure.

Order Number 5, paragraph "c" of the DFF&Os states, "Within forty-five (45) days after Ohio EPA's written approval/concurrence regarding the explosive gas monitoring plan, Respondent shall implement the explosive gas monitoring plan in accordance with the schedule of implementation contained therein, and if approved the final closure/post closure plan". The EGMP is contained within the facility's closure/post closure plan, which was approved on April 16, 2007. Page 7 of A&L's Explosive Gas Migration Monitoring Plan (EGMP) states, "The proposed explosive gas monitoring system will utilize three permanent monitoring wells to monitor the extent of migrating explosive gases before they reach two onsite occupied structures and adjacent residence located off Black/Mattix Roads (as defined in OAC 3745-27-12(A))...The wells are designated LGM-1, LGM-2, and LGM-3 as presented in Figure 7C..." In accordance with the EGMP, the plan should have been implemented by June 1, 2007.

OAC Rule 3745-27-12(A)(6) states, "For the purposes of this rule, the 'explosive gas monitoring plan' is implemented upon the commencement of explosive gas sampling in accordance with this rule."

A&L's October 24, 2007, explosive gas monitoring results document that landfill gas monitor LGM-1 was not installed and sampled by June 1, 2007. According to explosive gas monitoring results submitted by A&L on a monthly basis to Ohio EPA since that date, the latest having been received by Ohio EPA on October 26, 2007, gas monitor LGM-1 had not been installed and sampled.

The owner and operator of A&L are in violation because they have failed to properly monitor for explosive gas at their facility. A&L's failure to properly monitor for explosive gas at their facility is a violation of the following:

- a. **Director's Final Findings and Orders dated March 1, 2005.** Order Number 5, paragraph "c", contained in the implementation portion of the DFF&Os states, "Within forty-five days after Ohio EPA's written approval/concurrence regarding the explosive gas monitoring plan, Respondent shall implement the explosive gas monitoring plan in accordance with the schedule of implementation contained therein, and if approved the final closure/post closure plan."
2. **Director's Final Findings and Orders.** As described in violation Number 1, above, the owner and operator of A&L is in violation of Director's Final Findings and Orders dated March 1, 2005. Failure to comply with the DFF&Os is a violation of the following:
 - a. **Ohio Revised Code (ORC) Section 3734.11(a):** *"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code."*

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- b. **ORC Section 3714.13(c)**: *"No person shall violate an order issued under this chapter..."*

In order to comply with the DFF&Os and all applicable laws and rules, A&L must immediately install and sample landfill gas monitor LGM-1 in its proposed location, contained within the EGMP in the closure/post closure plan. The structure adjacent to the monitor location is considered an occupied structure in accordance with OAC Rule 3745-27-12(A)(5). Please notify Ohio EPA immediately when the monitor will be installed and sampled.

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: Bruce McCoy, DSIWM-CO
Nicholas Bryan, AGO
Robert Morehead, Columbiana County Health Department
File: [Tukel/CONS/A&L Salvage/COR/15]

Project ID: 938