



State of Ohio Environmental Protection Agency

Northeast District Office

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

March 13, 2009

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

CERTIFIED MAIL

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

Dear Mr. Callahan:

On February 19, 2009, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a comprehensive 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) Sections 3714. and 3734., and Ohio Administrative Code (OAC) Chapters 3745-400 and 3745-27. The weather was cold and windy with blowing snow, with a temperature of approximately 20° F.

I was accompanied by Jason Plunkett, representing A&L, during the inspection, and I met with Ron Rager both prior to and following the inspection.

The following violation was observed during this inspection:

1. **Disposal of Solid Waste:** During this inspection solid waste was observed disposed in the facility working face. The solid waste observed disposed in the facility working face included, but was not limited to the following: a large volume of what appeared to be porcelain molds for the production of Christmas decorations including tree molds, angel molds and other ornament molds; one scrap tire on a rim and a second scrap tire that was un-buried when the dozer operator began pushing the porcelain molds out of the working face; what appeared to be a green colored mattress; paper documents; food wrappers; and beverage containers.

In accordance with ORC Section 3734.01(I), "Open dumping" means the depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code."

A&L's records indicated that 350.78 tons of C&DD were disposed at the facility on February 18, 2009. In accordance with the solid waste threshold established

by ORC Section 3714.021(B), A&L could remove no more than 1.4 cubic yards of solid waste from the facility working face on February 19, 2009, without triggering a violation. Based on the volume of solid waste being removed from the facility working face during the inspection, including the porcelain molds and scrap tires, it appeared that the regulatory threshold for prohibited solid waste removed from the working face had been exceeded.

A&L is in violation because it has allowed the disposal and open dumping of solid waste at its facility. A&L's open dumping 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 and properly dispose of all solid waste that has been disposed at its facility.

The following were observed and/or discussed during the inspection:

1. Two loads of waste were observed deposited in the facility's unloading zone. One load was comprised of nearly all bagged garbage. The second load was evenly divided between clean recognizable C&DD and bagged garbage. Mr. Plunkett agreed that the first load should have been rejected and that one half of the second load should have been rejected. Mr. Plunkett indicated that he had instructed facility personnel to remove the prohibited solid waste from the unloading zone and load it in a trailer for proper disposal at a licensed solid waste facility during the inspection.
2. Mr. Rager indicated that approximately 200,000 gallons of leachate had been pumped from the collection pond and removed from the facility during February 2009.

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3. Hydrogen sulfide odors were detected on the facility during this inspection. Hydrogen sulfide with an odor intensity level of "1 ½ out of 4" was detected adjacent to the office trailer. At the same time, a Jerome meter reading of .003 was registered.
4. Prior to the inspection an odor survey was conducted around the facility. The highest reading on the Jerome meter was .002 in front of the residence located at 11204 SR 45, just north of the facility entrance. An odor intensity level of "1/2 out of 4" was detected at this location.

A&L must continue to make every effort possible to eliminate the conditions leading to the generation of hydrogen sulfide gas, and to control the release of hydrogen sulfide gas from this facility. Failure to eliminate the conditions leading to the generation of hydrogen sulfide gas, and failure to control the release of hydrogen sulfide gas has resulted in odors offensive to the senses and interference with the comfortable enjoyment of life and property of the surrounding community.

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: File: [Kurko/CONS/A&L Salvage/COR/15]

ec: Darren Machuga, DAPC-NEDO
Bruce McCoy, DSIWM-CO
Caroline Markworth, PIC
Nick Bryan, AGO
Lori Barnes, Columbiana County Health Department

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Sent To: *Steve Callahan*

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