

State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

May 4, 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:

The purpose of this letter is to relay inspection findings, facility closure requirements, and security concerns with regard to the A&L Salvage, LLC C&DD Landfill (A&L).

**Inspection Findings**

On February 21, 2009, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a partial inspection of 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 sunny, cold and windy with a temperature of approximately 20° F.

The facility ceased operations on February 20, 2009. This inspection focused on determining the status of the facility, compliance with regard to the facility's working face including violations cited during the February 19, 2009, inspection, and an off site odor survey was conducted.

I spoke with the on site security guard upon entering the facility and gave him my business card. After explaining why I was there, he told me to be careful going up the hill to the working face because Dart was preparing to bring a trailer down the hill. No one other than the security guard and Dart personnel were present at the facility during this inspection. Following the inspection I spoke with both Steve Callahan and Ron Rager via cell phone and explained my findings.

The following violation was observed during this inspection:

1. **Disposal of Solid Waste:** During this inspection solid waste was observed disposed and partially buried in the facility working face, as well as in areas that were not part of the most recent working face. The solid waste observed disposed at the landfill included, but was not limited to the following: what

appeared to be porcelain molds for the production of Christmas decorations, a scrap tire that was partially buried, what appeared to be a partially buried green colored mattress, food wrappers, beverage containers, a Starter jacket, bed springs, clothing, a basketball, a bowling ball, and several bags of garbage. A substantial amount of solid waste was also scattered on the ground around, under, and on the high ground adjacent to the Kephart trailer which we were told is used to collect prohibited solid wastes for transport to a solid waste disposal facility. This trailer also appeared to be nearly full of solid waste.

The following pictures are of solid waste observed buried at A&L during this inspection:



Partially buried green mattress.



Buried tire.



Some of the porcelain molds still present in the facility working face.



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 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.*

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- (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. By virtue of the facts that the above documented wastes were present in such a widespread area, that the wastes were present in areas where disposal was not presently occurring, and that many of the wastes had been at least partially buried with soil or other wastes, it indicates that insufficient effort was made to remove solid wastes from both the facility unloading zone and working face at the facility.

The following were observed and/or discussed with you via cell phone during the inspection:

1. An odor survey was conducted around the perimeter of A&L following the inspection. Hydrogen sulfide odor was detected on State Route 45, north of A&L at Hart Stable. The hydrogen sulfide odor was a "1" on an odor intensity scale of "0-4". The Jerome meter registered .004. Hydrogen sulfide odor was detected on the landfill during the inspection at an intensity of "2" on a scale of "0-4".
2. Approximately 16 scrap tires were piled adjacent to the most recent facility working face. The scrap tires must be properly disposed at a scrap tire disposal facility.

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3. A large pile of scrap tires was observed piled in the southwest corner of the facility near a piece of heavy machinery near Black Road. The scrap tires must be properly disposed at a scrap tire disposal facility. If necessary, mosquito larvicide must be applied to the tires in order to prevent the breeding of mosquitoes until such time that the scrap tires are removed from the facility. This is required for any scrap tires which currently exist at the facility.
4. Upon removing all prohibited solid wastes from the facility working face, weekly cover must be applied to all exposed debris in accordance with the applicable rules.

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.

### **Closure Requirements**

As documented earlier in this letter, A&L ceased operations on Friday February 20, 2009. In accordance with OAC Rule 3745-400-12(B)(1), final closure of a facility is mandatory when the owner or operator declares that debris will no longer be accepted for disposal at the facility.

In accordance with OAC Rule 3745-400-12(A)(1), the owner or operator shall complete final closure of a construction and demolition debris facility in a manner which minimizes further maintenance at the facility, as well as the formation and release of leachate to the air, soil, surface water, or ground water to the extent necessary to protect human health and the environment. The owner or operator of a licensed facility which meets the criteria contained in paragraphs (B)(1) to (B)(3) of this rule shall comply with paragraphs (C) to (H) of OAC Rule 3745-400-12.

In accordance with OAC Rule 3745-400-12(D), after ceasing to accept debris for disposal or after required mandatory closure in accordance with paragraph (B) of this rule, the owner or operator shall perform final closure activities outlined in paragraph (E) of this rule. The licensing authority may grant a time extension if the licensing authority determines that additional time is needed in order to ensure proper closure of a facility.

In accordance with OAC Rule 3745-400-12(E), the owner or operator shall complete the final closure activities for licensed facilities as follows:

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1. Within seven days of ceasing to accept debris for disposal, the owner or operator shall provide written notification to the licensing authority of the date the facility ceased to accept debris.
2. Within seven days of ceasing to accept debris for disposal, the owner or operator shall block, by locked gates, fencing, or other sturdy obstacles, all entrances and access roads to the facility to prevent unauthorized access during the final closure period, unless the facility is to be used for other purposes which are indicated in writing to the licensing authority.
3. Within thirty days of ceasing to accept debris for disposal, the owner or operator shall post signs, easily visible from all access roads leading onto the facility, stating in letters at least three inches high that the construction and demolition debris facility is closed and no longer accepts construction and demolition debris. The signs shall be maintained in legible condition for at least two years after the facility ceases to accept debris.
4. Within sixty days of ceasing to accept debris for disposal, the owner or operator shall cover all uncapped disposal areas with at least six inches of recompacted soil and grade this soil to prevent ponding of water. This soil layer may be considered a part of the cap system required by paragraphs (D) and (E) of rule 3745-400-07 of the Administrative Code.

### **Security Concerns**

Ohio EPA recently received calls from citizens living near A&L regarding safety and security at the landfill. Citizens reported seeing off road vehicles on the property and have expressed concern that trespassing and vandalism, similar to the fire started on the working face by trespassers, could occur again in light of the fact that there is no fence limiting access to the facility. Citizens have also expressed concern that heavy equipment at the facility could be used to do damage to engineered components of the landfill and to fuel tanks on site. OAC Rule 3745-400-11(I)(1) requires the owner or operator to limit access to the facility to authorized personnel only, except when operating personnel are present during operating hours. As stated previously, OAC Rule 3745-400-12(E) requires that within seven days of ceasing to accept debris for disposal, the owner or operator shall block, by locked gates, fencing, or other sturdy obstacles, all entrances and access roads to the facility to prevent unauthorized access during the final closure period. Please ensure that all reasonable measures are being taken to block access to the facility and to minimize the opportunity for vandalism to equipment and other landfill components.

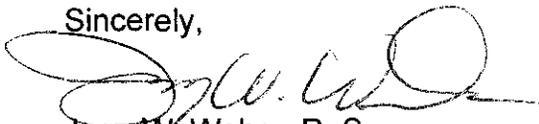
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Please provide written notification to me within 15 days of receiving this letter which documents how the violation listed above has been corrected. Also, please indicate in your response what measures A&L intends to take in order to maintain site security and safety at the facility since personnel are no longer on site.

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: 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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