



State of Ohio Environmental Protection Agency

Northeast District Office

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

March 2, 2007

RE: AIR POLLUTION PUBLIC NUISANCE
A&L SALVAGE, LLC
0215060342
NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Ron Rager, General Manager
A&L Salvage, LLC
P.O. Box 333
Lisbon, OH 44432

Dear Mr. Rager:

Since January 2007, Ohio EPA's Northeast District Office (NEDO) has received a considerable increase in citizen complaints alleging that strong odors are emanating from the A&L Salvage, LLC C&DD Landfill (A&L). The facility, which currently holds an air permit under Chapter 3745-31 of the Ohio Administrative Code (OAC), is located at 11225 State Route 45 in Lisbon, Ohio. Residents living near A&L have indicated that the emissions are causing headaches and nausea, and are interfering with their comfortable enjoyment of life and property.

Through our investigation of the complaints, NEDO has detected strong "rotten egg" type emissions, related to hydrogen sulfide gas, both on and off the landfill. Specifically, the Division of Solid and Infectious Waste Management (DSIWM) observed strong hydrogen sulfide gas emissions on and off the facility on January 3, 2007, and February 18, 2007. In addition, I, of the Division of Air Pollution Control (DAPC), have been performing surveillance by monitoring hydrogen sulfide gases at or beyond the facility boundary using a hand-held Jerome Meter (Model 631). To date, I have observed very strong gas emissions at times and documented instantaneous hydrogen sulfide readings as high as 55 parts per billion (ppb), and one-hour average readings as high as 35 ppb. Field data log sheets documenting these findings were given to Steve Callahan, A&L's Director of Operations, at a February 27, 2007, meeting with Ohio EPA regarding the landfill.

Because NEDO has observed and documented strong hydrogen sulfide emissions on the landfill and in areas surrounding A&L, and because the numerous citizen complaints received by NEDO indicate that the surrounding community finds the emissions to be offensive, to be causing headaches and nausea, and to be affecting their general welfare, NEDO-DAPC has found A&L to be causing a public nuisance. This is in violation of Ohio Administrative Code Rule 3745-15-07, "Air Pollution Nuisances Prohibited," of which Paragraph (A) states:

"Except as provided in paragraph (B) of this rule, the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance."

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In addition, A&L is in violation of term 7 of its air pollution permit-to-install (PTI). PTI number 02-18003 was issued on September 9, 2003. Term 7, found in paragraph A(7) of the "Part 1 - General Terms and Conditions" section of the permit, states:

"The air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07."

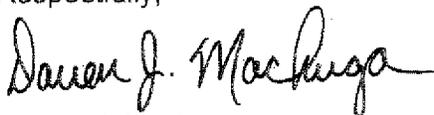
To return to compliance with this rule, A&L must immediately employ any and all measures necessary to control emissions of hydrogen sulfide gas from the landfill. Within seven (7) days after receipt of this letter, please submit to us a written plan of A&L's action steps, both current and anticipated, to mitigate hydrogen sulfide emissions. The submittal should include a schedule for returning to compliance, including dates by which any corrective measures would be implemented. Ohio EPA may request detailed plans on the specific control measures at a later date.

Finally, please be advised that acceptance by Ohio EPA of any requested information from A&L does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in Ohio Revised Code Section 3704.06. The determination to pursue or not pursue such penalties in this case will be made by Ohio EPA at a later date.

Lastly, failure to correct the above violation and to operate this facility in accordance with all applicable state air pollution laws and rules will result in a referral to DAPC's Enforcement Committee for enforcement consideration.

If you have any questions regarding the matters discussed in this letter, please do not hesitate to contact me at (330) 963-1287, or my supervisor, Jennifer Kurko, at (330) 963-1253.

Respectfully,



Darren J. Machuga
Environmental Specialist
Division of Air Pollution Control

DJM/mt

cc: Dennis Bush, Ohio EPA, DAPC, NEDO
Jennifer Kurko, Ohio EPA, DAPC, NEDO
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Jerry Weber, Ohio EPA, DAPC, NEDO
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Lisa Holscher, U.S. EPA, Region V
Steve Callahan, Director of Operations, A&L Salvage, LLC