



State of Ohio Environmental Protection Agency

Northeast District Office

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

August 20, 2007

RE: NOTICE OF VIOLATION
A&L SALVAGE LLC
PUBLIC NUISANCE (H₂S EMISSIONS)
ASBESTOS MATERIAL HANDLING
DUST EMISSIONS
0215060342
CERTIFIED MAIL

Mr. Dave Brown, General Manager
A&L Salvage, LLC
PO Box 333
Lisbon, Ohio 44432

Dear Mr. Brown:

The purpose of this letter is to provide written notice of air pollution violations at the A&L Salvage, LLC C&DD Landfill (A&L) located at 11225 State Route 45 in Lisbon. Specifically, during recent inspections and visits to the area, I or other Ohio EPA staff have observed a continuation of the public nuisance for hydrogen sulfide (H₂S) emissions, and have witnessed violations of the facility's fugitive dust limit and asbestos material handling requirements. We request that you respond within ten (10) days of receipt of this letter with a compliance plan to abate these violations. Further detail on the violations is included below.

PUBLIC NUISANCE, H₂S EMISSIONS

Ohio EPA's Northeast District Office (NEDO) has been receiving complaints of landfill odors, and has detected strong odors on and offsite caused by H₂S emissions. As we discussed during my July 29, 2007, site visit, I noticed very distinct and continuous landfill odors on Black Road. After I had asked the security guard to contact you, I pointed out two additional areas where I could detect odors as you drove me around the site. We also discussed the similar circumstances of my July 22, 2007, site visit, when I had informed the security guard and firewatcher of offsite odors and directed them to phone Mr. Jason Plunkett, Site Supervisor, with my findings.

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Distinct offsite odors have been observed by Ohio EPA staff on several other occasions, and elevated levels of H₂S have also been recorded. Ohio EPA's field log data sheets documenting the most recent findings were forwarded to Mr. Steve Callahan, Director of Operations for A&L, on August 8, 2007. To date, we have documented instantaneous H₂S readings as high as 145 parts per billion (ppb), and one-hour average readings as high as 42 ppb. These measurements were both obtained on Black Road on August 2, 2007.

In addition, "soil gas survey" data collected onsite since March 2007 continues to indicate the presence of elevated H₂S levels at the landfill. A review of the survey sheets maintained onsite revealed that facility personnel have routinely been getting H₂S readings that peg A&L's handheld monitor at 500 parts per million (ppm). Mr. Plunkett has said to Agency staff that he takes readings whenever he detects odors, which tends to be at H₂S levels of 100 ppm and above. He said soil is then placed where the odors are observed. It appears that soil is frequently being used for this purpose, and on one occasion Mr. Plunkett told me that the need to place soil in a high H₂S area had made equipment unavailable to haul soil cover for regulated asbestos containing material (RACM). This necessitated the use of construction and demolition debris (C&DD) as cover in the RACM disposal area.

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 burning eyes, noses, and throats, and to be affecting their general welfare, NEDO's Division of Air Pollution Control (DAPC) has found that A&L continues to cause a public nuisance in violation of Ohio Administrative Code (OAC) rule 3745-15-07, "Air Pollution Nuisances Prohibited." Paragraph (A) of this rule 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 a 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."

In addition, A&L is in violation of Part I, Paragraph A.7 of permit-to-install (PTI) number 02-18003, issued September 9, 2003. This permit condition 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."

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In response to NEDO-DAPC's previous notice of violation for nuisance odors, A&L submitted a March 8, 2007, action plan. As part of this plan, A&L indicated it would institute compliance measures including collecting soil gas survey data, reducing the working face, covering C&DD daily rather than weekly, adding agricultural lime during cover activities, and continuing to remove leachate in order to abate the public nuisance caused by the landfill's H₂S emissions. At that time, A&L believed the primary cause of the nuisance odors was the side slope construction activities that had been undertaken in December 2006. While this may have contributed to nuisance conditions, it appears that it was not the sole cause, as the problems persist. In fact, in the past month, Ohio EPA has received the highest number of complaints and highest offsite H₂S readings to date for the landfill.

NEDO remains very concerned with the level of H₂S emissions being recorded by A&L onsite, and by our own offsite observations. Within ten (10) days after receipt of this notice, please submit a revised compliance plan listing the additional control measures A&L will take to permanently abate these nuisance conditions, and a schedule for implementation.

ASBESTOS MATERIAL HANDLING

On August 1, 2007, Mr. Dave Dysle and Ms. Katharina Snyder of NEDO's Division of Solid and Infectious Waste Management (DSIWM) inspected the A&L facility between 10:00 a.m. and noon. During that inspection, they observed an uncovered asbestos disposal area that had no signs or any fencing immediately surrounding the cell and/or restricted area. See attached photos. Mr. Dysle and Ms. Snyder were informed by Mr. Plunkett that this cell was filled and another recently constructed to dispose of additional asbestos waste.

On August 9, 2007, I discussed this issue with Mr. Plunkett. I informed him that the absence of a fence and signs around a RACM disposal area is a violation of OAC rule 3745-20-06, "Standard for Active Asbestos Waste Disposal Sites." This rule requires fencing and signs around the asbestos disposal areas if signs are not posted every 300 feet around the facility property line. (At A&L, signs are not posted at intervals of 300 feet or less around the property line. Mr. Ron Rager, former General Manager, and I had discussed these requirements during an April 17, 2007, inspection.) Specifically, paragraphs (B)(4) and (B)(5) of this rule state:

"...During the unloading, deposition, burial and initial compaction of asbestos-containing waste materials, the owner or operator of the active waste disposal site shall establish a restricted area...within one hundred feet of the operations; and shall display...a sign...so that it is visible at all entrances and at intervals of three hundred feet or less along the property line or fencing immediately surrounding the restricted area..."

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On August 9, 2007, Mr. Plunkett told me the fencing had been taken to the other cell because that was where asbestos waste was being dropped at the time of DSIWM's inspection. I told Mr. Plunkett that portions of fencing can be removed from a restricted asbestos cell only when heavy equipment, such as front-end loaders, are entering the area and actively covering the waste. Failure to properly restrict the RACM disposal activities conducted at A&L on August 1, 2007, under the ownership, operation, control and supervision of A & L Salvage, LLC was a violation of OAC rule 3745-20-06.

Within ten (10) days after receipt of this notice, please submit the following information to our office:

1. Work practice procedures implemented to ensure the active asbestos disposal areas are restricted in accordance with paragraphs (B)(4) and (B)(5) of OAC rule 3745-20-06.
2. Any clarifications, responses, explanations or evidence on your behalf pertaining to the above stated violation.

Please recall a concern previously discussed with you, as well as with Mr. Plunkett, about asbestos disposal work practices. Several actions, as described below, deviate from A&L's revised March 8, 2007, *Asbestos Disposal Operating Procedure*, and the facility's *Asbestos Responsive Actions* outlined in March 15, 2007 and April 13, 2007, progress updates e-mailed by Mr. Callahan. Such procedures were enacted by A&L in response to asbestos violations observed in February 2007. Ohio EPA was assured these procedures would be used to prevent any future asbestos violations.

Specifically, Mr. Callahan's March 8, 2007, action plan and March 15, 2007, e-mail both state "...landfill equipment is never to be used directly on RACM..." and that "...all operators have been instructed to cover RACM where it is placed..." During a July 10, 2007, inspection, you inquired about "tucking" RACM disposal containers. I was told this is the use of heavy equipment to push and move the RACM containers to the rear of a cell after they have been dropped from a trailer to allow room for additional disposal. I informed you that this practice would deviate from the facility's asbestos operating procedure and could potentially cause asbestos handling violations. During inspections by NEDO-DAPC personnel on July 17, 2007 and August 3, 2007, evidence of "tucking" was observed. The asbestos disposal containers appeared to have been pushed back into one area at the rear of a designated asbestos cell. Also, on July 25, 2007, a NEDO-DAPC inspector observed heavy equipment directly pushing RACM disposal containers into the rear area of a cell.

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Mr. Callahan's April 13, 2007, e-mail states that A&L's asbestos handling practices "...now include the disposal of asbestos containing materials in an area separate from the C&DD disposal area..." On May 24, 2007 and July 17, 2007, I observed asbestos waste being covered with C&DD, and observed the asbestos cell adjacent to or in the active C&DD disposal area. No C&DD barrier wall was present between the asbestos and C&DD disposal activities. Mr. Plunkett informed me that C&DD had to be used as cover and the asbestos cells had to be located in the active C&DD disposal area because one of the facility's two haul vehicles was inoperable and could therefore, not haul dirt and shale to the disposal area for cover. During the inspection on August 9, 2007, I asked where the previous day's asbestos cell was located. I was told that C&DD was again used as the cover and the cell was located at the C&DD disposal area.

Please be advised that the above work practices at A&L increase the risk of violating state asbestos handling requirements at an active asbestos waste disposal facility. These are the same types of practices that led to A&L's past notices of violation for asbestos handling.

DUST EMISSIONS

On July 19, 2007, Mr. Darren Machuga of NEDO-DAPC observed visible particulate emissions on State Route 45 caused by material carried out from the entrance/exit roadway for A&L. At approximately 1:37 p.m., Mr. Machuga began an observation of the fugitive emissions from material carried out and deposited onto State Route 45, using Federal Reference Method 22. During a 30-minute period, visible particulate emissions were observed for 8 minutes and 22 seconds. Based on these observations, A&L is in violation of PTI number 02-13949, issued on June 21, 2000.

Part II, Paragraph A.1 of the permit conditions for A&L's paved roadways and parking areas (Emissions Unit F001) states that the applicable emissions limitation shall be "...No visible particulate emissions except for one minute during any 60-minute period." Also, Part II, Paragraph A.2.g for Emissions Unit F001 states, "...The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth and/or other material from paved streets onto which such material has been deposited by trucking or earth moving equipment or erosion by water or other means." To return to compliance with these permit conditions, A&L must immediately employ any and all measures necessary to control carry out from the facility.

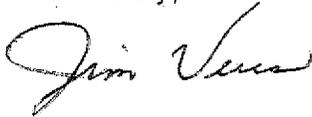
Ms. Jennifer Kurko of NEDO-DAPC notified Mr. Callahan of this finding on July 19, 2007. At this time, Ohio EPA is requesting that A&L submit a written compliance plan detailing any actions that have been taken and/or are planned to be taken to achieve compliance with the aforementioned requirements. The plan should include the dates the corrective actions have been or will be implemented. Please submit the compliance plan and implementation dates within ten (10) days of receipt of this letter.

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Be advised that this notice of violation in no way waives the right of Ohio EPA or U.S. EPA to pursue additional enforcement action. Further communications may be directed to you regarding these violations or any additional violations that may be found.

If you have any questions regarding these matters, please contact me at (330) 963-1288.

Sincerely,



Jim Veres
District Representative
Ohio EPA Northeast District Office
Division of Air Pollution Control

JV:bo

attachment

pc: Dennis Bush, NEDO-DAPC
Jennifer Kurko, NEDO-DAPC
Darren Machuga, NEDO-DAPC
Jerry Weber, NEDO-DSIWM
Tom Buchan, CO-DAPC
Lisa Holscher, U.S. EPA, Region 5
Steve Callahan, A & L Salvage, LLC



