



State of Ohio Environmental Protection Agency

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Stephen M. Callahan
A&L Salvage, LLC
P.O. Box 333
Lisbon, Ohio 44432

**Re: A&L Salvage C&DD Landfill, Columbiana County
Director's Determination Pursuant to Uncodified Section 3.(A) of H.B. 397**

Dear Mr. Callahan:

On April 10, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Office of the Director, received your request for a Director's determination pursuant to uncodified Section 3.(A) of Amended Substitute House Bill 397. The letter was submitted on behalf of A&L Salvage, LLC, and requests that the Director make a determination regarding the applicability of this division to A&L Salvage, LLC's modification license application to expand the A&L Salvage C&DD Landfill (Facility) located in Center and Elk Run Townships, Columbiana County. Ohio EPA, Northeast District Office (NEDO), Division of Solid and Infectious Waste Management (DSIWM) received the modification license application on June 27, 2005.

In accordance with Section 3.(A), a license application submitted prior to July 1, 2005, shall be reviewed and the license shall be issued or denied in accordance with the provisions of Ohio Revised Code (ORC) Chapter 3714 as they existed on July 1, 2005, if the Director determines that this division applies to an applicant. In order for this division to apply, the following four criteria must be satisfied:

1. The applicant has acquired an interest in the property on which the facility will be located on or before May 1, 2005.
2. The applicant has begun a hydrogeologic investigation pursuant to Ohio Administrative Code (OAC) Rule 3745-400-09 prior to submitting the application.
3. The applicant has begun the engineering plans for the facility prior to submitting the application.
4. The application submitted by the applicant would have been determined to be complete if a moratorium had not been in effect.

Ohio EPA has reviewed your request and associated information, and has determined that

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

Stephen M. Callahan
A&L Salvage, LLC
Page 2 of 2

uncodified Section 3.(A) of Amended Substitute House Bill 397 does not apply to A&L Salvage, LLC because the modification license application received on June 27, 2005, would not have been determined to be complete if a moratorium had not been in effect.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director within three (3) days after filing with the Commission. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, Ohio 43215

If you have any questions regarding this determination, please contact Murat Tukul of Ohio EPA, NEDO at (330) 963-1192.

Sincerely,

Joseph P. Koncelik
Director

JPK/JS/sw

cc: Murat Tukul, DSIWM-NEDO
Scott Hester, DSIWM-CO