

Issuance Date: _____

Effective Date: _____

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

A&L Salvage, LLC	:	<u>Director's Final Findings</u>
11225 State Route 45	:	<u>and Orders</u>
Lisbon, OH 44432	:	

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to A&L Salvage, LLC ("A&L") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3734.13 and Ohio Administrative Code (OAC) Chapter 3745-27.

II. PARTIES BOUND

These Orders shall apply to and be binding upon A&L and successors in interest liable under Ohio law. No change in ownership of A&L or of the Facility, as hereinafter defined, shall in any way alter A&L's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapters 3734 and 3714 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA ("Director") has determined the following findings:

1. A&L is the owner and operator of the A&L Salvage C&DD Landfill ("Facility") located at 11225 State Route 45, Lisbon, Ohio. The Facility is a "construction and demolition debris facility" as that term is defined in OAC Rule 3745-400-01(G).

2. On December 30, 2004, Ohio EPA issued Director's Final Findings and Orders to A&L to resolve violations of ORC Chapters 3714 and 3734, and OAC Chapters 3745-27 and 3745-400. On March 1, 2005, A&L and Ohio EPA entered into consensual Director's Final Findings and Orders ("March 2005 Orders").
3. Pursuant to Order Number 1 of the March 2005 Orders, A&L is required to submit to Ohio EPA, Northeast District Office (NEDO) a final closure/post-closure plan for a 36.6-acre portion of the Facility where solid waste was disposed. The final closure/post-closure plan is required to be prepared in accordance with OAC Rule 3745-27-11(B), as effective June 1, 1994, except as required by the March 2005 Orders.
4. On June 27, 2005, A&L submitted a license modification application that contained elements of a final closure/post-closure plan, prepared in accordance with OAC Rule 3745-27-11(B), as effective June 1, 1994, pursuant to Order Number 1 of the March 2005 Orders.
5. On March 1, 2006, Ohio EPA received a final closure/post-closure plan for the Facility, prepared in accordance with OAC Rule 3745-27-11(B), as effective June 1, 1994, except as required by the March 2005 Orders. Revisions to the document dated August 18, 2006, December 11, 2006, and December 21, 2006, were received on August 21, 2006, December 12, 2006, and December 22, 2006, respectively. The final closure/post-closure plan and subsequent revisions are hereinafter collectively referred to as the "2006 Final Closure/Post-Closure Plan."
6. The 2006 Final Closure/Post-Closure Plan was submitted for a 45.5-acre area of the Facility, which includes the 36.6-acre portion of the Facility identified in the March 2005 Orders.
7. Order Number 4 of the March 2005 Orders states, in part:

In the event that Ohio EPA notifies A&L in writing that the final closure/post-closure plan submitted to achieve compliance with Order Number 1...is unsatisfactory in whole or in part, within thirty (30) days after the date of such notification, A&L shall amend and submit to Ohio EPA - NEDO a revised document(s) addressing the deficiencies identified in Ohio EPA's written notification in full accordance with Ohio EPA's comments. Ohio EPA may approve the closure plan in whole or part and with or without conditions.
8. Ohio EPA has reviewed the 2006 Final Closure/Post-Closure Plan and believes that A&L will have closed the Facility in accordance with the March 2005 Orders, provided that the 2006 Final Closure/Post-Closure Plan and these Orders are implemented at the Facility.

V. ORDERS

1. The 2006 Final Closure/Post-Closure Plan is hereby approved.
2. Not later than 30 days after the effective date of these Orders, A&L shall submit to the Director a revised, executed, and funded financial assurance mechanism for closure and post-closure care of the 45.5-acre area of the Facility meeting the requirements of OAC Rules 3745-27-15, 3745-27-16, and 3745-27-17. A&L shall use forms prescribed by the Director for the financial assurance. The financial assurance instrument shall reflect the itemized cost estimates of \$3,603,356 for closure and \$393,058 for post-closure care of the 45.5-acre area of the Facility for a period of no less than five years. The financial assurance instrument shall, at a minimum, be reviewed and adjusted annually in accordance with OAC Rules 3745-27-15 and 3745-27-16.
3. In all future license applications for the Facility, A&L shall include or reference the 2006 Final Closure/Post-Closure Plan and any subsequent final closure/post-closure plan that is approved by Ohio EPA.
4. A&L shall implement the 2006 Final Closure/Post-Closure Plan in accordance with the following schedule:
 - a. Not later than 180 days after the effective date of these Orders, A&L shall install the ground water monitoring system as specified in OAC Rule 3745-27-10 and the 2006 Final Closure/Post-Closure Plan.
 - b. Not later than 90 days after the installation of the ground water monitoring system specified in Order Number 4a, above, A&L shall implement the ground water detection monitoring program in accordance with OAC Rule 3745-27-10. Implementation is defined as the collection of ground water samples from the ground water monitoring system.
 - c. Not later than 45 days after the effective date of these Orders, A&L shall implement the explosive gas monitoring plan in accordance with the schedule of implementation contained therein and the 2006 Final Closure/Post-Closure Plan.
5. Unless otherwise expressly authorized by Ohio EPA, A&L shall cease waste acceptance and disposal at the Facility and shall begin closure activities and installation of the final cap system over the 45.5-acre area of the Facility in accordance with the 2006 Final Closure/Post-Closure Plan upon triggering any of the occurrences for mandatory closure specified in OAC Rule 3745-400-12(B). At a minimum, A&L shall commence installation of the final cap system not later than 60 days after triggering any of the occurrences for mandatory closure specified in OAC Rule 3745-400-12(B).

6. A&L shall not commence waste placement in any areas outside the 45.5-acre area of the Facility without commencing the installation of the final cap system in accordance with the 2006 Final Closure/Post-Closure Plan.
7. Not later than 14 days prior to commencing construction of the final cap system, A&L shall submit to Ohio EPA, NEDO written notification of the anticipated construction start date.
8. Not later than 365 days after commencing installation of the final cap system in accordance with Order Number 5 or Order Number 6, A&L shall complete the installation of the final cap system.
9. Not later than 60 days after completion of the final cap system, A&L shall submit to Ohio EPA, NEDO a certification report pursuant to OAC Rules 3745-27-11(J) and 3745-27-08(H), as effective June 1, 1994, certifying that A&L has completed the closure activities specified in these Orders and in the 2006 Final Closure/Post-Closure Plan.
10. Upon final closure of the 45.5-acre area of the Facility, A&L shall conduct post-closure care and monitoring of the 45.5-acre area of the Facility in accordance with OAC Rule 3745-27-14, except that the post-closure care period shall be for five years instead of 30 years.
11. There may be no deviation from the requirements specified in the 2006 Final Closure/Post-Closure Plan and these Orders without the express, written approval of Ohio EPA. Any deviation from the 2006 Final Closure/Post-Closure Plan or these Orders may lead to such sanctions and penalties as provided under Ohio law. Compliance with the 2006 Final Closure/Post-Closure Plan or these Orders does not constitute an assurance that A&L will operate the Facility in compliance with all Ohio laws and regulations.
12. The Director or an authorized representative may enter upon the premises during construction, operation, closure, and post-closure care of the Facility for the purpose of making inspections, conducting tests, or examining records or reports. A&L may accompany the Director or representative and split any samples that may be taken at the Facility.
13. Material test results prepared in accordance with the quality assurance and quality control plan shall be submitted to Ohio EPA not later than 14 days prior to material use.
14. Sedimentation controls shall not be removed until Ohio EPA, NEDO concurs that adequate vegetative growth has been established in all areas disturbed by the installation of the final cap system.

15. Any liquids that come in contact with or emanate from any waste or debris required to be capped in accordance with the March 2005 Orders and the 2006 Final Closure/Post-Closure Plan shall be considered leachate under OAC Chapter 3745-27 and must be collected, managed, transported, and disposed of as leachate in accordance with OAC Rule 3745-27-19(K).

VI. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to A&L.

VII. NOTICE

All documents required to be submitted by A&L pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northeast District Office
Division of Solid and Infectious Waste Management
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: Supervisor, DSIWM

and to:

(For Order No. 2 only)
Director Chris Korleski
Ohio Environmental Protection Agency
Lazarus Government Center
Attn. Ms. Fanny Haritos
P.O. Box 1049
Columbus, OH 43216-1049

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

VIII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against A&L for noncompliance with these Orders.

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require A&L to perform additional activities pursuant to ORC Chapters 3714 or 3734 or any other applicable law in the future. Nothing herein shall restrict the right of A&L to raise any administrative, legal, or equitable claim or defense with respect to such further actions that Ohio EPA may seek to require of A&L. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations that may occur at the Facility.

IT IS SO ORDERED:

Chris Korleski, Director
Ohio Environmental Protection Agency