

Issuance Date: October 16, 2007

Effective Date: \_\_\_\_\_

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

A&L Salvage, LLC	:	
11225 State Route 45	:	Director's Final
P.O. Box 333	:	Findings and Orders
Lisbon, Ohio 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) Sections 3714.06 and 3714.10, and Ohio Administrative Code (OAC) Chapter 3745-37.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon A&L, and any 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 Chapter 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, as those terms are defined in OAC Rules 3745-400-01(EE) and (I), respectively, of the A&L Salvage Construction and Demolition Debris (C&DD) Landfill (Facility) located at 11225 State Route 45, Elkrun and Center Townships, Columbiana County, Ohio. The Facility is a "construction and demolition debris facility" as that term is defined in OAC Rule 3745-400-01(G). A&L is currently operating the Facility pursuant to its 2006 Construction and Demolition Debris Facility License, effective January 18, 2006.

2. The Facility was issued an initial C&DD Facility License on October 5, 2000, by the Columbiana County General Health District.
3. The Facility has been in operation since at least November 18, 2001.
4. Since April 15, 2004, Ohio EPA has been the jurisdictional licensing authority for the Facility.
5. Ohio EPA and A&L entered into consensual Director's Final Findings and Orders on December 30, 2004 to resolve violations of OAC Rules 3745-400-11(F), 3745-400-11(F)(2), 3745-400-11(F)(3)(a), 3745-400-11(F)(3)(d), 3745-400-11(B)(1), 3745-400-07(B)(3), 3745-400-07(F)(5)(c)(iii)(c), 3745-400-07(F)(5)(c)(iv), and 3745-27-05(C), and ORC Section 3734.03. The December 30, 2004 Orders detailed actions to be performed by A&L in order to remedy the noted violations of Ohio's construction and demolition debris and solid waste regulations and laws. The December 30, 2004 Orders were re-issued on March 1, 2005, to correct certain drafting errors.
6. On September 29, 2006, A&L submitted to Ohio EPA an application for a 2007 C&DD license for the Facility.
7. A&L was cited for violations at the Facility in notice of violation (NOV) letters dated January 1, 2005; March 29, 2005; September 22, 2005; November 22, 2005; December 23, 2005; June 30, 2006; September 29, 2006; December 28, 2006; February 6, 2007; February 15, 2007; February 20, 2007; March 1, 2007; March 2, 2007; March 30, 2007; April 26, 2007; May 11, 2007; May 23, 2007; August 16, 2007; August 20, 2007; August 28, 2007; and October 4, 2007. As evidenced by the violations cited in the NOV letters, as well as other violations, A&L has not maintained substantial compliance with the applicable provisions of ORC Chapters 3714, 3704, 3734, and 6111, and any rules and permits issued thereunder.
8. As a result of A&L's failure to maintain compliance at the Facility, A&L was referred to the Ohio Attorney General on May 17, 2007 for enforcement to address violations of OAC Rules 3745-400-11(B)(15), 3745-400-11(B)(16), 3745-400-11(F), 3745-400-11(F)(2), 3745-400-11(F)(3), 3745-400-11(F)(3)(c), 3745-400-11(F)(3)(d), 3745-400-11(H)(1), 3745-400-07(L), and 3745-27-05(C), and ORC Sections 3714.021(B), 3714.081(A), and 3734.03, as well as other violations, at the Facility.
9. OAC Rule 3745-37-03 sets forth the criteria for issuing C&DD facility licenses. Pursuant to OAC Rule 3745-37-03(C)(2), the licensing authority shall not issue a C&DD license unless the applicant has operated the facility in substantial compliance with all applicable provisions of ORC Chapter 3714, and OAC Chapters 3745-400 and 3745-37. Pursuant to OAC Rule 3745-37-03(C)(3), the

licensing authority shall not issue a C&DD license unless the applicant, who is currently responsible for the management or operation of one or more facilities licensed under ORC Chapters 3714 or 3734, has managed or operated such facility in substantial compliance with applicable provisions of ORC Chapters 3714, 3704, 3734, and 6111, and any rules and permits issued thereunder, and has maintained compliance with any orders issued by the licensing authority, the environmental board of review, or courts having jurisdiction in accordance with OAC Chapter 3746-13.

10. Pursuant to OAC Rule 3745-37-03(C)(2), because A&L has not maintained substantial compliance with the applicable provisions of ORC Chapters 3714, and OAC Chapters 3745-400 and 3745-37, the Director, as the licensing authority, cannot issue a C&DD facility license to A&L for the Facility.
11. Pursuant to OAC Rule 3745-37-03(C)(3), because A&L is not currently operating, and has not previously operated, the Facility in substantial compliance with applicable provisions of ORC Chapters 3714, 3704, 3734, and 6111, and any rules and permits issued thereunder, and any orders issued by the licensing authority, the environmental board of review, or courts having jurisdiction in accordance with OAC Chapter 3746-13, the Director, as the licensing authority, cannot issue a C&DD facility license to A&L for the Facility.

## **V. ORDERS**

1. The 2007 C&DD license for the Facility, located at 11225 State Route 45, Elkrun and Center Townships, Columbiana County, Ohio is hereby denied.
2. Pursuant to OAC Rules 3745-400-12(A)(4) and (B)(5), A&L shall immediately cease acceptance of C&DD at the Facility and shall commence final closure activities in accordance with the applicable provisions of OAC Rules 3745-400-12(E) through (I), and Director's Final Findings & Orders dated March 1, 2005.

## **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. 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 Chapter 3714 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 which 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 from A&L for violations which may occur at the Facility.

**IT IS SO ORDERED**

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Chris Korleski, Director  
Ohio Environmental Protection Agency