

OHIO E.P.A.

BEFORE THE

MAY 16 2011

OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the Matter of: 

A & L SALVAGE, LLC.,

Applicant.

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Case No. 07-CD-011

DIRECTOR'S FINAL  
FINDINGS AND ORDER

By: *Kelly A. Miller* Date: 5-16-11

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

Pursuant to Chapters 3714., 3734., and sections 119.09 et seq. of the Ohio Revised Code, and the rules of the Ohio Environmental Protection Agency, the Director of Environmental Protection hereby makes the following Findings and issues the following Order:

**FINDINGS**

1. On October 16, 2007, the Director of the Ohio Environmental Protection Agency ("Director") issued a Proposed Order proposing to deny A & L Salvage's application for a 2007 Construction and Demolition Debris (C&DD) license for the A & L Salvage Landfill Facility located on State route 45, Lisbon, Ohio ("Facility").
2. On November 9, 2007, A & L Salvage filed a Request for Adjudication Hearing objecting to the Director's proposed denial of A & L Salvage's application for a 2007 C&DD license for the Facility.
3. On February 10, 2011, the Hearing Officer assigned to this case issued a "Notice of Intent to Issue Report and Recommendation Recommending Dismissal."
4. The Hearing Officer's February 10, 2011 "Notice of Intent to Issue Report and Recommendation Recommending Dismissal" states in pertinent part: "It is my understanding that the A & L Salvage Landfill has been closed. Consequently, it is my understanding that the question of the issuance of a license to operate the A & L Salvage construction and demolition debris landfill is moot. Based upon the fact that the question of the issuance of a license to operate is moot, it is my conclusion that this case is moot and should be dismissed."
5. No response or objection to the February 10, 2011 "Notice of Intent to Issue Report and Recommendation Recommending Dismissal" has been filed.

6. Given the fact that the A & L Salvage Facility is closed, there remain no unresolved issues of law or fact requiring an adjudication hearing in this matter. Therefore, Ohio EPA Case No. 07-CD-011 is moot and should be dismissed.
7. No adjudication hearing has been held in this matter.
8. On March 28, 2011, the Hearing Officer assigned to this case issued a Report and Recommendation recommending that this case be dismissed.
9. No objection to the Hearing Officer's recommendation has been filed.
10. The recommendation of the Hearing Officer is lawful and reasonable and is hereby adopted.

**ORDER**

1. Ohio EPA Case No. 07-CD-011 is hereby dismissed, effective immediately.

**IT IS SO ORDERED:**

  
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SCOTT J. NALLY  
Director

MAY 16 2011  
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Date