

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

A & L SALVAGE, LLC.,

Applicant.

Case No. 07-CD-011

Hearing Officer Wilson

REPORT AND RECOMMENDATION

Attached hereto is a copy of the Hearing Officer's Report and Recommendation in this matter. Pursuant to Ohio Revised Code Section 119.09 and Ohio Administrative Code Rule 3745-47-24, any party to this matter may file written objections to the Report and Recommendation. Such objections must be filed with the Director of Environmental Protection within ten (10) days of the receipt of the Report and Recommendation. Written objections should be filed with:

Ohio Environmental Protection Agency
Hearing Clerk - Fifth Floor Legal Section
50 West Town Street, Suite 700
P. O. Box 1049
Columbus, Ohio 43216-1049

If objections are filed, an original plus two (2) copies are required.

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FINDINGS OF FACT

1. On October 16, 2007, the Director of the Ohio EPA ("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, this Hearing Officer issued a "Notice of Intent to Issue Report and Recommendation Recommending Dismissal."
4. My 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 my February 10, 2011 "Notice of Intent to Issue Report and Recommendation Recommending Dismissal" has been filed.
6. No adjudication hearing has been held in this matter.

CONCLUSION OF LAW

1. 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.

RECOMMENDATION

1. The Director should dismiss Ohio EPA Case No. 07-CD-011.

Sam Wilson

W. SAMUEL WILSON, Esq.
Presiding Hearing Officer

3-28-11
Date

A & L SALVAGE, LLC
Case No. 07-CD-011

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