



State of Ohio Environmental Protection Agency

**Southeast District Office**

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

October 28, 2010

**RE: JEFFERSON COUNTY  
FAC- C&DD TECHNOLOGIES, LLC**

Mr. Joseph Scugoza  
C&D Disposal Technologies LLC  
3250 County Road 26  
P.O.Box 2219  
Wintersville, Ohio 43953

Dear Mr. Scugoza:

On September 28, 2010, I conducted a partial inspection of the C&DD Technologies Landfill (facility). I was accompanied by Carla Gampolo of the Jefferson County Health Department and Joseph Scugoza of C&D Disposal Technologies LLC.

The following violations were observed during our inspection and were discussed with Mr. Scugoza during the inspection.

C&D Disposal Technologies, LLC was in violation of the following Ohio Administrative Code (OAC) Rules:

- 1) OAC 3745-400-11(B)(1) - the owner or operator shall conduct all operations at the facility in strict compliance with the license, any orders, and other authorizing documents issued in accordance with Chapter 3714. of the Revised Code.

On June 15, 2010, Ohio Environmental Protection Agency received a copy of the cover letter and maps recently submitted to the Jefferson County General Health District by Walter & Haverfield, LLP on behalf of C&D Disposal Technologies, LLC. One map partially showed the topography of the amassed debris at the landfill as of May 14, 2010. And the second map provided an isopach comparing the relative elevations of the amassed debris versus the 2007's licensed top of waste. This information has been reviewed by Ohio EPA's engineering staff and has generated the following comments.

The topographic map generated the following observations.

- a) The topographic map covers only 12.8 acres of the facility's 20.0-acre certified limits of debris placement. The balance of the acreage falls within the active Cell 1C-1 and the adjacent northern intermediate slope of Cells 1A and 1B.
- b) To the extent shown, the topographic map delineated both the licensed horizontal limits of debris placement and the amassed debris' limits. This comparison clearly shows at least three areas where the horizontal limits have been exceeded. These areas are approximately 3/4-acre and consist of some 3,000 cubic yards of debris in total.
- c) Based on a review of the information provided the landfill's slopes far exceed the standard cap's maximum slope of four horizontal to one vertical. In fact, the landfill's slopes are typically greater than three horizontal to one vertical.

- d) Within the licensed horizontal limits of debris placement, the volume of the overfill is approximately 246,000 cubic yards. As noted above, an additional 3,000 cubic yards is disposed outside the licensed limits of debris placement.

Based on site observations and a review of the field survey provided to Ohio EPA by the Jefferson County Health District, it has been determined that C&D Disposal Technologies has exceeded the authorized vertical and horizontal waste limits. Therefore, C&D Disposal Technologies is in violation of the aforementioned regulation for failure to comply with the authorizing documents.

- 2) OAC 3745-400-11(B)(1) - the owner or operator shall conduct all operations at the facility in strict compliance with the license, any orders, and other authorizing documents issued in accordance with Chapter 3714. of the Revised Code.

In accordance with the 2008 license, C&DD Disposal Technologies was required to install leachate storage tanks within the limits of waste placement and provide for double containment. At the time of my inspection, the tanks and double containment were not installed as required by the 2008 license. Therefore, C&DD Disposal Technologies is in violation of the aforementioned regulation.

- 3) OAC Rule 3745-400-11(F)(2) - The owner or operator of a facility shall not dispose of any solid wastes.

At the time of inspection, Ms. Gampolo and I walked the previously filled areas of cell 2 where we observed numerous areas of exposed waste containing solid waste such as clothing, toys, non-construction related packaging, tires, mattresses, milk crates, garden hose, books, sports equipment and other solid waste. Solid wastes were also observed in the cell one active disposal area. The facility is prohibited by the aforementioned regulation from the disposal of solid waste. All solid waste not specifically allowed by this regulation must be removed and taken to an approved solid waste facility.

- 4) OAC 3745-400-11(H) requires that an owner or operator shall operate the facility in a manner that prevents fires by doing the following:

- (l) Covering all disposed combustible debris on a weekly basis with soil, clean hard fill, or other material, which is noncombustible. For the purpose of this rule, covering means to apply noncombustible material in a manner such that combustible debris is not visible.

At the time of inspection, exposed waste was observed along the internal access road and slopes on all sides of the new cell, and portions of the working area that had been exposed in excess of the one week requirement. The facility is in violation for failure to properly apply weekly cover as required by this regulation.

- 5) OAC 3745-400-04(B) - Prohibits the illegal disposal of construction and demolition debris.

At the time of inspection, construction and demolition debris was observed along the haul road leading from the rail unloading. Debris was also observed in the ditch to the north of the rail line. All illegally disposed construction and demolition debris must be cleaned up and properly disposed.

- 6) OAC 3745-27-05(C) prohibits the open dumping of solid waste onto the ground. At the time of our inspection, solid waste was observed deposited onto the ground over the side of the haul road at the first turn leading up the haul road from the rail unloading area. This is a violation of this regulation for the illegal open dumping of solid waste.
- 7) OAC 3745-400-11(B)(9) - The owner or operator shall keep a daily log of operations of the facility that contains all the information specified on forms prescribed by the director. All entries required by the log form shall be completed. A copy of the log shall be available for inspection by the licensing authority during normal operating hours. When required by the licensing authority, log forms or summaries of daily logs shall be submitted to the licensing authority. The owner or operator may use alternate forms, either in paper or electronic formats, for the daily log of operations, provided that all of the information requested on the prescribed forms is present.

At the time of my inspection, I discussed with you how you tracked each rail car and how that car was represented in the daily log. At the time of our discussion, you indicated that each rail car number is entered into the daily log and the tonnage for that car. At that time, I asked you if that was an actual number produced by a scale or if a conversation factor was used based on the yardage of each car. You indicated that the tonnage was not an actual tonnage, but rather you sell a capacity of 100 tons for some cars and 105 tons for other cars and that is the tonnage that is entered into the daily log. At that time, I also provided you with three CDs to download the last three years of daily logs. I was given these disks back at my next inspection with the understanding that the logs had been downloaded onto the disks. All three disks were checked, but found to be empty and had not been burned. Please provide a hard copy of the last three years of the daily logs to the Ohio EPA SEDO within the next 10 days. Please also indicate whether my understanding regarding your completion for the daily logs is correct and if not please give a description of the procedure used for the rail cars.

In addition to the violations observed during the above noted inspections, C&D Disposal Technologies continues to be in violation for the following in association with the Crossridge Landfill and the October 8, 2003, Judicial Consent Order:

- 1) C&D Disposal Technologies has not established and funded financial assurance for closure and post closure care of the Crossridge Landfill as required by a Consent Order and Final Judgment (Consent Order) filed in the Jefferson County Common Pleas Court on October 8, 2003. Paragraph 9 of the Consent Order provides that Crossridge, Inc. and C&D Disposal Technologies "are enjoined and ordered to comply with the applicable provisions of OAC Rule 3745-27-19, as directed in OAC Rule 3745-27-11[(H)(1)] until all closure certifications are submitted and the post-closure care period begins." Additionally, Paragraph 12 of the Consent Order provides that Crossridge and C&D Disposal Technologies are "enjoined and ordered to establish and fund financial assurance for final closure and post-closure care for the Facility in accordance with the applicable provisions of OAC Rules 3745-15 and 3745-27-16..."

Thus, in accordance with the Consent Order, we look to the provisions of OAC Rule 3745-27-19. Paragraph (B)(6)(f) of that rule requires compliance with the closure, post-closure care, and corrective measures financial assurance requirements of rules 3745-27-15, 3745-27-16, and 3745-27-18 of the Administrative Code.

- 2) Crossridge and C&D Disposal Technologies have failed to establish and fund financial assurance, in violation of paragraphs 9 and 12 of the Consent Order.

JEFFERSON COUNTY  
FAC- C&DD TECHNOLOGIES  
OCTOBER 28, 2010  
PAGE 4

The following additional violations of OAC Rule 3745-27-19(B)(6) have occurred at the Crossridge Landfill because :

The owner or operator failed to comply with all of the following:

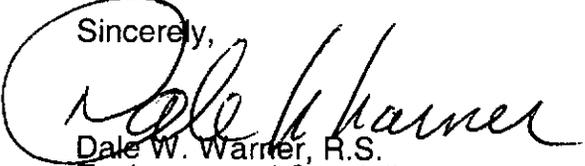
- (a) The applicable design, construction, and testing specifications in rule 3745-27-08 of the administrative Code,
- (c) The ground water monitoring, assessment, and corrective measures requirements of rule 3745-27-10 of the Administrative Code.
- (e) The explosive gas monitoring and corrective measures requirements of rule 3745-27-12 of the Administrative Code.

The last explosive gas monitoring report received by Ohio EPA for Crossridge Landfill is dated November 29, 2007. In accordance with OAC Rule 3745-27-12 and the approved Explosive Gas Management Plan for Crossridge Landfill, explosive gas monitoring is to be conducted quarterly. Therefore, Crossridge and C&D Disposal are in violation of OAC Rule 3745-27-12 and the approved Explosive Gas Management Plan.

The September 2005 approved Ground Water Detection Monitoring Plan was to be fully implemented by April 1, 2006. On December 3, 2007, correspondence from you to Ohio EPA contained a timeline for completion of activities for implementation of the ground water monitoring plan. This included installation of monitoring wells and the implementation of ground water sample collection and analysis. To date, no activities pursuant to the ground water monitoring plan has been implemented. Therefore, Crossridge and C&D Disposal are in violation of OAC Rule 3745-27-10 and the approved Ground Water Monitoring Plan.

Please respond to the Southeast District Office within 14 days detailing your actions taken to abate the above noted violations. Please feel free to contact me at 740-380-5435 if you have any questions regarding the above referenced inspections.

Sincerely,



Dale W. Warrner, R.S.  
Environmental Specialist  
Division of Solid and Infectious Waste Management

DWW/jg

cc: Marc Maragos, Jefferson County Health Department