



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490  
www.epa.state.oh.us

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

April 12, 2009

RE: **JEFFERSON COUNTY  
FAC- C&D TECHNOLOGIES**

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

Dear Mr. Scugoza:

On March 18, 2010, I conducted an inspection of the C&DD Technologies Landfill (facility). I was accompanied by Carla Gampolo of the Jefferson County Health Department and Craig Walkenspaw of the Ohio Environmental Protection Agency.

We met with you prior to our inspection and informed you that Ohio EPA would be conducting sampling for carbon monoxide and that Mr. Walkenspaw would be performing a field survey to determine the slope of the cell 2 area which Ohio EPA believes to be over filled. At the time, you delayed us from doing our inspection for approximately 45 minutes while you spoke with your attorney. Following your conversation with your attorney, you proceeded to deny us the opportunity to perform the survey. We informed you that by denying Ohio EPA the opportunity to conduct the survey, you were denying us access to conduct activities to determine compliance and would be in violation of Ohio Administrative Code(OAC) rule 3745-400-11(I)(3). At the conclusion of our discussion, we conducted our inspection without performing the survey. We were accompanied by you during our inspection. The inactive disposal area, active disposal area and the rail unloading area were inspected. The following violations were observed during our inspection and were discussed with site personal.

C&D Disposal 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.

Based on site observations, Ohio EPA believes the facility has exceeded the authorized waste limits. C&D Disposal Technologies is authorized to fill all slopes to a 4:1 grade. Based on field observations it appears that the slopes are in excess of the authorized 4:1 grade.

- 2) **OAC Rule 3745-400-11(E)(1)** - The owner or operator shall maintain the integrity of the engineering components of the facility and repair any damage to or failure of the components. "Engineered Components" includes the components described in rule 3745-400-07 of the Administrative Code and components of the ground water monitoring system(s) installed in accordance with rule 3745-400-10 of the Administrative Code.

At the time of inspection, leachate sump number one had no pumps installed in the down slope riser or a control panel for the pumps. The facility is in violation of this rule for failure to repair the pumps and control panel.

- 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 numerous locations in the cell one active disposal area in locations where C&D Technologies' personnel indicated waste had not been placed within a twenty-four hour period. 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 Rule 3745-400-11(F)(3)(a)** - The owner or operator shall unload the debris in clearly designated and marked unloading zones separate from the working face. Unloading zones maybe temporary and adjacent to the active working face. Upon inspection of the unloaded debris, the owner or operator shall remove prohibited materials prior to placing the debris on the working face. The owner or operator shall remove any prohibited material found at the working face.

At the time of inspection, two areas were being used to unload waste. One was located below but not adjacent to the upper area. It was observed during the inspection that loads of wastes were being deposited at the lower area, which was not designated as an unloading zone.

- 5) **OAC Rule 3745-400-11(F)(3)(b)** - The owner or operator shall clearly mark the limits of the unloading zone with at least two temporary markers.

The facility is in violation for failure to mark the lower area with two markers as required by this regulation.

- 6) **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 hardfill, 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 time of inspection, exposed waste was observed in cell 2 that had been exposed in excess of the one-week requirement. Also, the toe of cell one was also not properly covered with weekly cover as required by this rule. The facility is in violation for failure to properly cover the exposed waste in cell two and the toe of cell one where exposed waste was observed.

- 7) **OAC Rule 3745-400-11(I)(3)** - Access to the facility cannot be denied to the licensing authority and its authorized representatives, who upon proper identification, may enter the facility at reasonable times to determine compliance with Chapter 3714 of the Revised Code and the rules adopted thereunder.

“(C) The board of health or its authorized representative and the director or his authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times upon any public or private property, real or personal, to inspect or investigate, obtain samples, and examine or copy records to determine compliance with this chapter and rules adopted under it. The board of health or its authorized representative or the director or his authorized representative may apply for, and any judge of a court of record may issue, an appropriate search warrant necessary to achieve the purposes of this chapter and rules adopted under it within the court’s territorial jurisdiction. If entry is refused or inspection or investigation is refused, hindered, or thwarted, the board of health or the director may suspend or revoke the construction and demolition debris facility’s license.”

By denying Ohio EPA the opportunity to conduct the survey to determine compliance with the facility’s authorizing documents, the facility has violated the aforementioned Ohio Administrative Code and Ohio Revised Code.

- 8) **OAC 3745-400-11(O)** - Leachate Outbreaks. If there is an outbreak of leachate at the surface, the owner or operator shall do all of the following:

- (1) Contain the leachate.
- (2) Manage and dispose the leachate in accordance with applicable regulations.
- (3) Repair the outbreaks.

At the time of inspection, leachate outbreaks were observed on the southeast, south, and southwestern slopes. These outbreaks were leaving the waste placement area and were not properly contained. The facility had taken no action to manage the outbreaks or properly dispose of the leachate or correct the outbreaks. The facility is in violation of this regulation based on the conditions aforementioned. The facility should take action to contain the outbreaks, manage and dispose of the leachate and repair the outbreaks. Based on the location of these outbreaks, it is believed these are the result of potentially as much as 19 feet of head on the liner system.

- 9) **OAC 3745-400-11(P)(1)** requires an owner or operator to maintain the leachate collection system so that no more than one foot head is on liner.

At the time of our inspection, the leachate pumps in the sumps were not working and were not being maintained. Therefore, the facility is in violation for having more than one foot of head on the liner system. It is believed, based on field observations, that there may be as much as 19 feet of head on the liner system. Leachate should be removed for proper disposal until no more than one foot of head is on the liner at anytime.

- 10) **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 scattered along the haul road leading from the rail unloading. Debris was also observed on both sides of the rail line. All illegally disposed construction and demolition debris must be cleaned up and properly disposed.

- 11) **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 on both sides of the rail unloading area. Solid waste was also observed deposited into the waterway

leading to the creek. The facility is in violation of this regulation for the open dumping of solid waste.

- 13) **ORC 6111.04** - No person shall cause pollution or place or cause to be placed any... wastes in a location where they cause pollution of any waters of the state.

At the time of inspection, solid waste as well as construction and demolition debris was observed in the waterway leading to the creek. This is a violation of this regulation.

In addition to the violations observed during the above noted inspections, C&DD Disposal continues to be in violation for the following:

- 1) C&D Disposal Technologies has not secured proper financial assurance for 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."

Thus, in accordance with the Consent Order, we look to the provisions of OAC Rule 3745-27-19. Paragraph (B) (6) 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&DDT have failed to submit proper financial assurance documentation, in violation of paragraph 12 of the Consent Order.
- 3) Additionally, C&D Disposal is in violation of the agreement between Ohio EPA and C&D Disposal dated October 15, 2007 regarding closure and post-closure care.

Paragraph 3 of the agreement dated October 15, 2007, between Ohio EPA and C&D Disposal Technologies, LLC, states, "C&D will post a closure bond and post closure care bond for the Crossridge Landfill pursuant to the Consent Order within 45 days of the signing of this agreement. The amount of such bonds shall be consistent with the schedules already submitted to your office based on the engineering estimate prepared by URS Engineering dated March 3, 2005, in the amounts of \$1,105,200 and \$1,197,000, respectively."

C&D Disposal Technologies, LLC, has failed to timely submit closure and post closure care bonds to Ohio EPA in violation of Paragraph 3 of the agreement between Ohio EPA and C&D Disposal Technologies, LLC.

In accordance with Paragraph 5.a. of the October 2007 agreement, all closure activities at Crossridge Landfill were to be completed by December 31, 2008. It was apparent during my January 16 inspection that closure has not been implemented at Crossridge Landfill. Therefore, C&D Disposal and Crossridge Inc. are in violation of the October 2007 agreement with the State of Ohio as well as the 2003 Consent Order.

Paragraph 9 of the 2003 Consent Order states, "Defendants are enjoined and ordered to comply with the applicable provisions of OAC Rule 3745-27-19, as directed in OAC 3745-27-11(H)(1) until all closure certifications are submitted and the post-closure care period begins."

The following violations of OAC Rule 3745-27-19 have occurred:

**OAC Rule 3745-27-19(B)(6)** - The owner or operator shall 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 report received by Ohio EPA for Crossridge Landfill is dated November 29, 2007. In accordance with the October 2007 agreement, OAC Rule 3745-27-12, and the approved Explosive Gas 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 Plan.

The September 2005 approved Ground Water Detection Monitoring Plan was to be fully implemented by December 31, 2008. 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. Warner, R.S.  
Environmental Specialist  
Division of Solid and Infectious Waste Management

DWW/jg

cc: Marc Maragos, Jefferson County Health Department