



State of Ohio Environmental Protection Agency

Southeast District Office

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

December 17, 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 November 18, 2009, I conducted an inspection of the C&DD Technologies Landfill. I was accompanied by Carla Gampolo of the Jefferson County Health Department.

We met briefly with you prior to our inspection. We were accompanied by the site foreman, Butch, to the active disposal area where waste was being hauled from the rail area as well as over the road trucks were depositing waste. All slopes and previously filled areas as well as the current active disposal area were inspected at the time of inspection. 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) Rule:

- 1) 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 waste were also observed in numerous locations in the cell one active disposal area in locations where C&D Technologies personal indicated waste had not been placed within a twenty four hour period. C& D Technologies 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.

- 2) OAC Rule 3745-400-11(F)(3) - The owner or operator shall deposit incoming loads of debris at a designated unloading zone where the debris shall be inspected and all prohibited wastes shall be removed, unless the owner or operator has received approval of and has implemented a preacceptance debris screening program at the facility.
 - (a) The owner or operator shall unload the debris in clearly designated and marked unloading zones separate from the working face. Unloading zones may be 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. No prohibited materials are permitted to be disposed at the working face. The owner or operator shall remove any prohibited material found at the working face.

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

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, a large area in cell one, according to site personnel, had not received waste for a week and therefore was in excess of the one week requirement. C&D Technologies is in violation of the aforementioned regulation. Please be advised that these areas must have all solid waste removed before applying weekly cover.

- 3) OAC 3745-400-11(O)(2) requires that leachate be properly disposed. At the time of our visit, leachate was leaking from the tanker onto the ground and meandering off site. This is a violation of this regulation for failure to properly dispose of the leachate.
- 4) 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 one foot of head on the liner system.

- 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 scatted along the haul road leading from the rail unloading. Debris was also observed on both sides of the rail line although no waste was being unloading. A large pile of hard fill was observed to the east of the haul road leading from the rail unloading area. This hard fill had large amounts of wood and piping mixed throughout the pile. Since this material is contaminated with wood and piping, it is not clean, and should be disposed within the licensed landfill. All illegally disposed of construction and demolition debris should be cleaned up and properly disposed. Please provide a plan to Ohio EPA to show how C&D Technologies will prevent this from occurring in the future.

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.

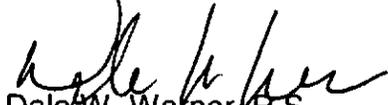
The last explosive gas report received by Ohio EPA for Crossridge Landfill is dated November 29, 2007. In accordance with the October 2007 agreement, OAC Rule 3745-27-12, and the approved Explosive Gas Plan for Crossridge Landfill, explosive gas monitoring is to be conducted quarterly. Therefore, Crossridge 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.

JEFFERSON COUNTY
FAC- C&D TECHNOLOGIES
DECEMBER 17, 2009
PAGE 4

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

DW/jg

cc: Marc Maragos, Jefferson County Health Department