



State of Ohio Environmental Protection Agency

**Southeast District Office**

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

April 3, 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 31, 2009, I conducted an inspection of the C&DD Technologies Landfill. I was accompanied by Carla Gampolo of the Jefferson County Health Department.

Dennis Scugoza accompanied us to the active disposal area where waste was being hauled from the rail area. According to Ms. Gampolo, the active disposal area was adequately covered for fire prevention. There were a significant number whole scrap tires, mattresses, seat cushions and other solid waste dispersed throughout the entire active disposal area. In addition, loads coming from the rail unloading area were not dumped in a marked unloading zone for inspection. Rather, they were dumped in several different areas of the active disposal area. In addition, a cliff of C&D waste was observed on the west side of the active disposal area.

C&D Disposal was in violation of the following Ohio Administrative Code (OAC) Rule:

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

As stated above, whole scrap tires, mattresses, and furniture cushions were observed throughout the active disposal area. These materials should have been removed at the unloading zone upon inspection by qualified personnel. However, an unloading zone was not in use during this inspection.

**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.
- (b) The owner or operator shall clearly mark the limits of the unloading zone with at least two temporary markers.

- (c) Once prohibited materials are removed, the owner or operator shall spread and compact the debris on the working face. When debris is deposited on the working face, it shall be spread evenly over the working face and compacted to the smallest practical volume.

As stated above, waste was disposed throughout the active disposal area. There was no clearly marked unloading zone in use during this inspection.

**OAC Rule 3745-400-11(F)(3) -**

- (d) Clipping is prohibited. For the purpose of this rule, clipping is the formation of an edge or cliff by the placement of debris to the working face without compacting.

A vertical cliff was observed on the west slope of the active disposal area.

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.

JEFFERSON COUNTY  
FAC- C&D TECHNOLOGIES  
APRIL 3, 2009  
PAGE 2

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:

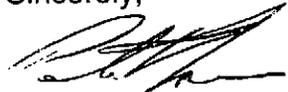
- (a) The applicable design, construction, and testing specifications in rule 3745-27-08 of the administrative Code,
- (c) The ground water monitoring, assessment, and corrective measures requirements of rule 3745-27-10 of the Administrative Code.
- (e) The explosive gas monitoring and corrective measures 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 740/380-5219 if you have any questions regarding the above referenced inspections.

Sincerely,



Peter C. Thompson  
Division of Solid and Infectious Waste Management

PCT/jg

cc: Marc Maragos, Jefferson County Health Department