



State of Ohio Environmental Protection Agency

**Southeast District Office**

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

February 4, 2009

RE: **JEFFERSON COUNTY  
FAC- C&DDT**

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

Dear Mr. Scugoza:

On November 20, 2008, December 18, 2008, and January 16, 2009, I conducted inspections of the C&DD Technologies Landfill. I was accompanied by Erika Battistel of the Jefferson County Health Department during the November 20 and December 18 inspections.

During my November 20 inspection, Dennis Scugoza accompanied us to the working face. There was no waste hauled from the rail area to the working face during this inspection. A large portion of the active disposal area was not covered by soil.

During my December 18 inspection, you accompanied us to the unloading zone and area of waste placement. We also observed operations at the rail unloading area. Waste was being transported to the unloading zone from the rail unloading area during this visit. A large area of the active disposal area was uncovered during this inspection. In addition, I inspected material that you had consolidated from recently received regulated asbestos containing material. I observed adequate soil for weekly cover during my January 16 inspection.

During both my November 20 and December 18 inspections, C&D Disposal was in violation of the following Ohio Administrative Code (OAC) Rule:

**OAC Rule 3745-400-11(H)** - Fire prevention. The owner or operator shall operate the facility in a manner that prevents fires by doing one of the following:

- (1) 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.
- (2) Preparing and utilizing an alternate fire prevention plan acceptable to the licensing authority. The plan shall include the monthly application of noncombustible cover plus another method(s) to prevent fires.

During both inspections, a significant portion of the active disposal area had not received soil cover for greater than one week. As noted above, adequate soil cover was observed during my January 16 inspection. I encourage you to ensure that soil cover is applied to all exposed waste weekly to comply with this OAC Rule.

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

- (c) Asbestos materials subject to NESHAP, 40 CFR Part 61, Subpart M, may be disposed of only if the necessary air pollution control permits have been issued.

During my December 18 inspection, I observed the waste pile you have segregated that contains regulated asbestos-containing material (RACM). This material was received from West End Excavating on November 25 and November 26, 2008. Correspondence to you from Steve Lowry of the Ohio EPA Division of Air Pollution Control (DAPC) dated December 23, 2008, states that you are in violation of your permit issued by DAPC and OAC Rule 3704.05(C) for accepting RACM. Mr. Lowry's letter also directs you to submit a plan to him to mitigate this violation.

I have reviewed your January 15, 2009, response to Mr. Lowry. In that response, attorney Dan Reiss indicates that you intend to coordinate efforts with the Jefferson County Health Department regarding the removal of RACM waste at your facility. Please be advised that you must retain the services of a certified asbestos contractor to properly characterize and remove the material in question. This violation will continue to accrue to the facility until properly abated. Therefore, please keep both the Southeast District Office and the Jefferson County Health Department informed of your progress regarding the proper handling of RACM waste at C&D Disposal.

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.

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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 & Infectious Waste Management

PCT/jg

cc: Marc Maragos, Jefferson County Health Department  
Steve Lowry, DAPC/SEDO