



State of Ohio Environmental Protection Agency

Southeast District Office

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

October 20, 2008

**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 August 22 and September 30, 2008, I conducted inspections of the C&DD Technologies Landfill. I was accompanied by Erika Battistel of the Jefferson County Health Department on August 22 and Carla Gampolo and Erika Battistel during my September 30 inspection.

During both inspections, you accompanied us to the rail unloading area and to the working face. Several loads of material were hauled from the rail area to the working face during both inspections. I observed that efforts were underway to remove C&DD and solid waste from the roadway leading up to the active waste disposal area. The following violations were observed:

ORC 3734.03 - No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code.

OAC Rule 3745-27-05(C) - No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.

Solid waste continues to be present in the rail unloading area near the stream.

OAC Rule 3745-400-04(B) - No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.

C&DD was observed between the rail and the stream. All C&DD waste must be collected and disposed only in the active disposal area of the landfill.

OAC Rule 3745-400-11(B)(2) - The owner or operator shall dispose of construction and demolition debris only within the active licensed disposal area.

C&DD was observed scattered in the rail unloading area near the stream.

OAC Rule 3745-400-11(B)(16) - The owner or operator shall not cause water pollution.

Solid waste and C&DD was observed in the stream in the rail unloading area.

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

C&DD 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 O.A.C. Rules [sic] 3745-27-19, as directed in O.A.C. 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 O.A.C. 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.

Crossridge and C&DDT have failed to submit proper financial assurance documentation, in violation of paragraph 12 of the Consent Order.

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 addition, Paragraph 18 of the Consent Order states, "Defendants are hereby ordered and enjoined to pay the State of Ohio a civil penalty in the amount of \$521,440 in accordance with the following schedule: eight equal installments of \$65,180, with the first installment due on January 2, 2005, and the last installment due on October 2, 2007."

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Paragraph 2 of the agreement dated October 15, 2007, between Ohio EPA and C&DD Disposal Technologies, LLC, states, "Within 45 days of the date of this executed agreement between the parties, C&D will pay the following amounts: a. \$130,360 representing the remaining amount of civil penalties due under the Consent Order; and b. \$70,340 in satisfaction of all civil penalties for any and all past cited violations, noncompliance, delays or other regulatory penalties resulting from violations outstanding at the C&D Disposal Technologies Landfill prior to the date of this signed agreement."

On October 14, 2008, Ohio EPA received a payment of \$33,450 which paid the remaining balance due from the 2003 Consent Order. An additional outstanding balance of \$33,450 is due from the October 15, 2007 agreement.

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