



State of Ohio Environmental Protection Agency

Southeast District Office

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

July 23, 2008

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

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

Dear Mr. Scugoza:

On June 30, 2008, Steve Rine of the Ohio EPA Southeast District Office conducted a partial inspection of the C&DD Technologies Landfill. During this inspection, 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 was disposed in the active disposal area of the C&DD facility.

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 scattered in the rail unloading area, and the roadway from the rail unloading area to the active disposal area. 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, and the roadway from the rail unloading area to the active disposal area.

OAC Rule 3745-400-11(B)(11) - The owner or operator shall conduct all operations at the facility with individuals thoroughly familiar with proper operating procedures, the terms and conditions of the facility license, and this rule.

While spraying leachate onto a covered slope for recirculation, employees were allowing leachate to discharge into the surface water drainage ditch.

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

Leachate was observed discharging from the facility into the surface water diversion ditch.

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

Solid waste was observed disposed in the active disposal area of the C&DD facility.

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. If the owner or operator is implementing a pre-acceptance debris screening program that has been approved by the licensing authority through the license application, the owner or operator is not required to establish a designated unloading zone.

- (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.

Although a sign was placed at the beginning of the landfill limits of waste, there was no clearly marked signage indicating the actual unloading zone or the boundary of the unloading zone. All prohibited materials were not being removed at the unloading zone. As noted above, solid waste was observed in the disposal area.

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.

A very large portion of the active disposal area had not received adequate soil cover for greater than seven days.

OAC Rule 3745-400-11(P) - Leachate system management. The owner or operator shall operate and maintain the leachate collection system as follows:

- (2) The owner or operator shall manage and dispose of leachate in accordance with applicable regulations.

Employees were observed spraying leachate from the leachate collection system onto the covered slope of the active disposal area. Leachate was flowing from this location into the surface water diversion system to the sediment pond, ultimately discharging to waters of the State.

In addition to the violations observed during my May 12 inspection, 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."

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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."

Paragraph 2 of the agreement dated October 15, 2007, between Ohio EPA and C&D 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."

C&D Disposal Technologies has failed to timely submit \$200,700 in civil penalties to Ohio EPA in violation of Paragraph 18 of the Consent Order and Paragraph 2 of 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 this inspection.

Sincerely,



Peter C. Thompson
Division of Solid & Infectious Waste Management

PCT/jg

cc: Marc Maragos, Jefferson County Health Department