



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

May 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 May 12, 2008, I conducted an inspection of the C&DD Technologies Landfill. I was accompanied by Carla Gampolo and Erika Battistel of the Jefferson County Health Department. During this inspection, I observed both solid waste and C&DD on the ground in the rail unloading area. C&D disposal is in violation of the following:

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.

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.

The above violations were originally observed by the Jefferson County Health Department during an April 29, 2008, inspection. Although progress has been made toward returning to compliance relative to illegal disposal of C&DD and solid waste in the rail unloading area, please be advised that these violations continue to accrue to your facility until all material has been removed for proper disposal.

OAC Rule 3745-27-400(E) -Construction. The owner or operator shall operate the facility to accommodate the following:

- (1) The owner or operator shall maintain the integrity of the engineered components of the facility and repair any damage to or failure of the components. "Engineered components" includes the components described in rule 3745-400-07 of the Administrative Code and components of the ground water monitoring system(s) installed in accordance with rule 3745-400-10 of the Administrative Code.

The access road leading down to the rail area was not functional during this inspection. Other roadways leading into the facility are compromised as well. Please take immediate steps to maintain all access roads. Ohio EPA has received several complaints regarding excessive mud on Fernwood Road. Proper maintenance of your access roads will reduce the amount of mud and dust on Fernwood Road.

In addition to the violations observed during my May 12 inspection, C&DD Disposal is 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.

JEFFERSON COUNTY
FAC- C&D TECHNOLOGIES
MAY 20, 2008
PAGE 3

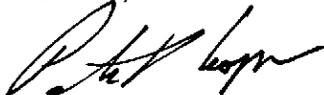
In addition, Paragraph 18 of the Consent Order states, "Defendants are hereby ordered and enjoined to pay the State of Ohio a civil penalty in the amount of \$521,440 in accordance with the following schedule: eight equal installments of \$65,180, with the first installment due on January 2, 2005, and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

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

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 plans to comply with the above referenced OAC Rules. 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