



State of Ohio Environmental Protection Agency

Southeast District Office

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

March 10, 2008

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

Dear Mr. Scugoza:

On February 28, 2008, I conducted an inspection of the C&D Disposal Technologies facility in Jefferson County to determine compliance with Ohio Revised Code (ORC) Chapter 3714 and Ohio Administrative Code (OAC) Chapters 3745-37 and 3745-400. I was accompanied by Carla Gampolo and Erika Battistel of the Jefferson County Health Department during this inspection.

During this inspection, I inspected the area of waste placement and determined that adequate soil cover had been placed over the active area of waste placement. Waste was being deposited in the unloading zone and properly sorted before advancement to the working face.

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 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