



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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

February 8, 2007

**RE: JEFFERSON COUNTY
FAC- C&D DISPOSAL
NOTICE OF VIOLATION**

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

Dear Mr. Scugoza:

On January 23, 2007, I conducted an inspection of the C&D Disposal Technologies site in Jefferson County to determine compliance with Ohio Revised Code (ORC) Chapter 3714 and Ohio Administrative Code (OAC) Chapters 3745-37 and 3745-400.

During my January 23 inspection, I observed the following violations:

1. Failure to submit an annual report in accordance with OAC Rule 3745-400-10(B), which states:

"Annually, at least by September thirtieth of each year, the owner or operator of a licensed facility shall determine the quality of ground water from wells that are part of the ground water monitoring well system required in paragraph (A) of this rule and certain constituents in the leachate from the leachate collection system required in paragraph (F) of rule 3745-400-07 of the Administrative Code. The leachate quality data shall be used to supplement ground water monitoring data to determine if the leachate could be causing any changes in the quality of the ground water. These determinations shall be submitted at least annually to the licensing authority in a report signed by a qualified ground water scientist. The ground water monitoring determinations and report do not have to determine the impact of the facility on the quality of the ground water beneath the facility[.]"

To date, neither the Jefferson County Health Department nor Ohio EPA has received the 2006 annual report. This is a violation of OAC Rule 3745-400-10(B). OAC Rule 3745-400-10(B) outlines the information needed in the report to meet the requirements of this rule.

2. Failure to operate the facility in strict compliance with license conditions, as required by OAC Rule 3745-400-11(B)(1), which states: "The owner or operator shall conduct all operations at the facility in strict compliance with the license, any orders, and other authorizing documents issued in accordance with Chapter 3714. of the Revised Code."

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The 2006 license for C&D Disposal Technologies contains a condition requiring that daily logs be maintained detailing leachate recirculation. I requested this information in a letter to you dated October 30, 2006. To date, I have not received this information. Failure to maintain and submit daily logs detailing leachate recirculation is a violation of C&D Disposal's 2006 license.

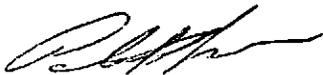
In addition to the above-mentioned violations, I detected a strong odor emanating from the landfill during my January 23 inspection. You and I discussed this during a telephone conversation on January 24. You indicated that you believed the odor was coming from a discrete location in the waste mass. You indicated your intentions to unearth the suspected location to investigate these odors. Please report your findings to me at the Southeast District Office. Ohio EPA has concerns that the odors emanating from the area of waste placement may be hydrogen sulfide gas. It is imperative to determine the origin of this odor and take aggressive actions to abate this issue.

Please reply within 14 days detailing actions taken to abate the above listed violations and the strong odor at the Facility.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. The letter shall not be interpreted to release the owner or others from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

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: Jefferson County Health Department
Melinda Berry, Ohio EPA, DSIWM/CO