

**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

February 2, 2011

**RE: JEFFERSON COUNTY  
FAC - C&DD TECHNOLOGIES, LLC**

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

Dear Mr. Scugoza:

On December 14, 2010, and January 4, 2011, I conducted an inspection of the C&DD Technologies Landfill (facility). I was accompanied by Carla Gampolo of the Jefferson County Health Department. Mr. Doug Doyle, Safety Manager for C&DD Disposal Technology, accompanied us during the December and January inspection. Mr. Joseph Scugoza accompanied us during the January inspection.

The following violations were observed during our inspection and were discussed with Mr. Scugoza and or Mr. Doyle during the inspections.

C&D Disposal was in violation of the following Ohio Administrative Code (OAC) Rules:

- 1) OAC 3745-400-11(B)(1) - 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.

On June 15, 2010, the Ohio Environmental Protection Agency received a copy of the cover letter and maps recently submitted to the Jefferson County General Health District by Walter & Haverfield, LLP on behalf of C&D Disposal Technologies, LLC. One map partially showed the topography of the amassed debris at the landfill as of May 14, 2010. And the second map provided an isopach comparing the relative elevations of the amassed debris versus the 2007's licensed top of waste. This information has been reviewed by Ohio EPA's engineering staff and has generated the following comments.

The topographic map generated the following observations.

- a) The topographic map covers only 12.8 acres of the facility's 20.0-acre certified limits of debris placement. The balance of the acreage falls within the active Cell 1C-1 and the adjacent northern intermediate slope of Cells 1A and 1B.

- b) To the extent shown, the topographic map delineated both the licensed horizontal limits of debris placement and the amassed debris' limits. This comparison clearly shows at least three areas where the horizontal limits have been exceeded. These areas are approximately  $\frac{3}{4}$ -acre and consist of some 3,000 cubic yards of debris in total.
- c) Based on a review of the information provided, the landfill's slopes far exceed the standard cap's maximum slope of four horizontal to one vertical. In fact, the landfill's slopes are typically greater than three horizontal to one vertical.
- d) Within the licensed horizontal limits of debris placement, the volume of the overfill is approximately 246,000 cubic yards. As noted above, an additional 3,000 cubic yards is disposed outside the licensed limits of debris placement.

At the time of the inspections, it was observed that no waste had been removed in order to bring the slopes to the required 4:1 slope. Based on site observations and a review of the field survey provided to Ohio EPA by the Jefferson County Health District, it has been determined that C&D Disposal Technologies has exceeded the authorized vertical and horizontal waste limits. C&D Disposal appears to continue to place waste in a manner to create slopes that are greater than the approved 4:1 grades. Therefore, C&D Disposal Technologies is in violation of the aforementioned regulation for failure to comply with the authorizing documents. Please provide Ohio EPA with a topographic survey of all emplaced waste slopes.

- 2) OAC 3745-400-11(B)(1) - 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.

In accordance with the 2008 license, C&DD Disposal Technologies was required to install leachate storage tanks within the limits of waste placement and provide for double containment. At the time of my inspections, the tanks and double containment were not installed as required by the 2008 license. An inspection of both sump areas was conducted and it was determined that no power be it generator or public utility service was available to operate the pumps. Also, the hose that was being used to pump from the cell 2 and cell1A sumps was standard single wall hose attached to a single wall tank at cell 2 sump and connected to a trash pump at sump 1A. The tank that was at cell 2 was not installed within the limits of waste as required and no double walled tank, secondary containment or double walled pipe was being utilized. Therefore, C&DD Disposal Technologies is in violation of the aforementioned regulation.

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

At the time of inspection, I walked the previously filled areas of cell 2 and cell 1A where I observed similar solid waste items as during my November 16, 2010, inspection such as clothing, shoes, and household items coming up out of the soil cover at several areas. Due to recent rains, deep erosion riles were observed containing solid waste. The facility is prohibited by the aforementioned regulation from the disposal of solid waste. All solid waste not specifically allowed by this regulation must be removed and taken to an approved solid waste facility.

- 4) OAC 3745-400-11(H) requires that an owner or operator shall operate the facility in a manner that prevents fires by doing the following:

(I) 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, overing means to apply noncombustible material in a manner such that combustible debris is not visible.

At the time of inspection, exposed waste was observed as mentioned earlier in this letter in the cell 1 area and cell 2 area were cover soils had been previously placed. A large area on the northeast side of the facility that was previously used as a road into the active disposal area was lacking weekly cover. Site personnel indicated that it had been a couple of weeks since they used that road and had placed waste in that location. The facility is in violation for failure to properly apply weekly cover to all exposed waste in excess of seven days as required by this regulation.

- 5) OAC 3745-400-11(B)(9) - The owner or operator shall keep a daily log of operations of the facility that contains all the information specified on forms prescribed by the director. All entries required by the log form shall be completed. A copy of the log shall be available for inspection by the licensing authority during normal operating hours. When required by the licensing authority, log forms or summaries of daily logs shall be submitted to the licensing authority. The owner or operator may use alternate forms, either in paper or electronic formats, for the daily log of operations, provided that all of the information requested on the prescribed forms is present.

In a letter dated October 28, 2010, I requested a hard copy of the last three years of the daily logs to be submitted to Ohio EPA SEDO within the next 10 days; to date, this has not been submitted to Ohio EPA. Please also indicate whether my understanding regarding your completion of the daily logs is correct as outlined in the October 28, 2010, letter and if not please give a description of the procedure used for the rail cars. As of the time of this letter, C&DD Disposal has failed to give an explanation and remains in violation of this regulation.

- 6) OAC 3745-400-04(B) - Prohibits the illegal disposal of construction and demolition debris.

At the time of inspection on January 4, 2011, construction and demolition debris was observed embedded in the soil throughout the rail unloading area as well as the first

turn heading up the hill from the rail unloading area. All illegally disposed construction and demolition debris must be cleaned up and properly disposed.

- 7) OAC 3745-27-05(C) prohibits the open dumping of solid waste onto the ground. At the time of our inspection on December 14, 2010, and January 24, 2011, solid waste was observed being illegally disposed of at an area referred to off of the C&DD facility footprint as a recycling area. Based on my observations of this waste debris, Ohio EPA has determined that the waste being placed in the recycling area is mixed solid waste and construction and demolish debris. Therefore, Ohio EPA has determined that this pile of waste is all solid waste and is being illegally open dumped. Please remove all of the illegally open dumped material and properly dispose of it at a licensed solid waste facility and provide receipts indicating proper disposal as well as pictures documenting the cleanup efforts.

In addition to the violations observed during the above noted inspections, C&D Disposal Technologies continues to be in violation for the following in association with the Crossridge Landfill and the October 8, 2003, Judicial Consent Order:

- 1) C&D Disposal Technologies has not established and funded financial assurance for closure and post closure care of 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 OAC Rule 3745-27-19, as directed in OAC Rule 3745-27-11[(H)(1)] until all closure certifications are submitted and the post-closure care period begins." Additionally, Paragraph 12 of the Consent Order provides that Crossridge and C&D Disposal Technologies are "enjoined and ordered to establish and fund financial assurance for final closure and post-closure care for the Facility in accordance with the applicable provisions of OAC Rules 3745-15 and 3745-27-16..."

Thus, in accordance with the Consent Order, we look to the provisions of OAC Rule 3745-27-19. Paragraph (B)(6)(f) 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.

- 2) Crossridge and C&D Disposal Technologies have failed to establish and fund financial assurance, in violation of paragraphs 9 and 12 of the Consent Order.

The following additional violations of OAC Rule 3745-27-19(B)(6) have occurred at the Crossridge Landfill because :

The owner or operator failed to comply with all of the following:

- (a) The applicable design, construction, and testing specifications in rule 3745-27-08 of the administrative Code,

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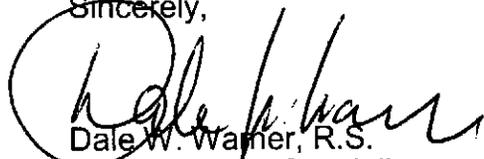
- (c) The ground water monitoring, assessment, and corrective measures requirements of rule 3745-27-10 of the Administrative Code.
- (e) The explosive gas monitoring and corrective measures requirements of rule 3745-27-12 of the Administrative Code.

The last explosive gas monitoring report received by Ohio EPA for Crossridge Landfill is dated November 29, 2007. In accordance with OAC Rule 3745-27-12 and the approved Explosive Gas Management Plan for Crossridge Landfill, explosive gas monitoring is to be conducted quarterly. Therefore, Crossridge and C&D Disposal are in violation of OAC Rule 3745-27-12 and the approved Explosive Gas Management Plan.

The September 2005 approved Ground Water Detection Monitoring Plan was to be fully implemented by April 1, 2006. On December 3, 2007, correspondence from you to Ohio EPA contained a timeline for completion of activities for implementation of the ground water monitoring plan. This included installation of monitoring wells and the implementation of ground water sample collection and analysis. To date, no activities pursuant to the ground water monitoring plan has been implemented. Therefore, Crossridge and C&D Disposal are in violation of OAC Rule 3745-27-10 and the approved Ground Water Monitoring Plan.

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 740-380-5435 if you have any questions regarding the above referenced inspections.

Sincerely,



Dale W. Warner, R.S.  
Environmental Specialist  
Division of Solid and Infectious Waste Management

DWW/jg

cc: Marc Maragos, Jefferson County Health Department