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

May 21, 2013

RE: JEFFERSON COUNTY
FAC- C&DD TECHNOLOGIES, LLC
- CROSSRIDGE LDF
NOTICE OF VIOLATION

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

Dear Mr. Scugoza:

On May 8, 2013, Carla Gampolo of the Jefferson County Health District and I conducted an inspection of C&D Technologies Construction and Demolition Debris Landfill(Facility) and Crossridge LDF(Facility) . Prior to my inspection I met with you and indicated that we intended to conduct an inspection of the Facility. You granted us access to the Facility but provided no escort. We proceeded to conduct our inspection and at followed up with you regarding our findings before leaving the site.

Inspection Observations and Violations:

Pursuant to Ohio Administrative Code (OAC) 3745-400-12 (B) (6), final closure of a facility is mandatory when a facility license has expired and another license has been applied for and denied as a final action.

On February 1, 2012, the Jefferson County Board of Health denied the 2012 license application for C&D Disposal Technologies (Facility). As a result of this action the facility was mandated to complete final closure. Since the Facility failed to complete closure, the Facility is in violation of the following Ohio Administrative Code (OAC) Rules

1. In accordance with OAC 3745-400-12 (D) the facility was required to complete the final closure activities required by OAC 3745-400-12 (E). At the time of our inspection on May 8, 2013, no closure activities had been completed. Therefore, the facility is in violation of this aforementioned OAC rule.

2. OAC 3745-400-12(E) (1) requires an owner or operator to comply with paragraphs (I), (K), and (M) to (S) of rule 3745-400-11. The facility has failed to comply with the requirements of this rule by:

a. Failing to apply fire protection to the exposed waste on the east side, west side and top of the Facility in accordance with OAC 3745-400-11(M).

b. In accordance with OAC 3745-400-11(N) a cap system that complies with OAC 3745-400-07 was to have been installed by February 1, 2013. Since the Facility failed to install the required cap, this is a violation of the aforementioned rule.

c. OAC 3745-400-11 (O) requires the owner or operator to contain, manage and dispose of leachate and repair any outbreaks. At the time of my visit, leachate outbreaks were observed on the east side of the Facility, the leachate collection system was not being operated, and no leachate had been hauled for proper disposal. Based on these observations the Facility is in violation of the aforementioned rule.

d. OAC 3745-400-11 (P)(1) requires that the leachate collection system be operated to maintain no more than a foot of head on the liner. Since the Facility has not hauled leachate and is not operating the leachate collection system the Facility is in violation of this rule for failure to maintain less than one foot of head on the liner.

OAC 3745-400-11 (P)(3) requires that an owner or operator shall properly dispose of leachate. The Facility is in violation of this rule failure to dispose of leachate by any approved method. At the time of my inspection the leachate collection systems were not being operated and no leachate had been hauled for proper disposal or treatment.

Illegal Disposal of C&DD and Open Dumping of Solid Waste outside Facility Boundaries

On May 8, 2013, we inspected an area outside of the Facility, in the area designated as the "Recycling Area." C&DD and solid waste continue to remain open dumped on the ground, and exposed to the elements. The open dump is currently estimated at around 90,000 cubic yards of waste and is discharging large quantities of leachate into the roadside ditch which mixes with other surface water and discharges to tributaries that discharge to Cross Creek. Further, the waste stored in the area is developing a rotten egg smell that is associated with hydrogen sulfide gas production within the waste mass.

As well as the area designated as a recycling area the facility has also illegally disposed of old telephone poles, stadium type athletic carpet, a pile of bricks co-mingled with wood and has open dumped scrap tires in separate areas throughout the property.

The owner and operator are in violation of OAC 3745-27-05 (C) and 3745-400-04 for the illegal open dumping of solid waste and the illegal disposal of construction and demolition debris.

Mandatory Closure (OAC 3745-400-12)

On January 26, 2011, the Jefferson County Board of Health issued a final denial of C&D Disposal Technologies' 2010 license, and on February 22, 2011, C&D Disposal Technologies appealed the final denial to the Environmental Review Appeals Commission (ERAC). The owner and operator of C&D Disposal Technologies are in violation for failing to initiate closure as required by the following OAC Rules:

OAC 3745-400-12(A) "The owner or operator shall complete final closure of a construction and demolition debris facility in a manner which minimizes further maintenance at the facility, as well as the formation and release of leachate to the air, soil, surface water, or ground water to the extent necessary to protect human and the environment...":

OAC 3745-400-12 (A)(2) "The owner or operator of a licensed facility which meets the criteria contained in paragraphs (B)(6) to (B)(8) of this rule shall comply with paragraphs (C) to (H) of this rule. For the purpose of paragraph (A)(2) of this rule, "licensed" facility means any facility which received a license in accordance with Chapters 3745-400 and 3745-37 of the administrative Code.".

OAC 3745-400-12(B) (6) states "A facility license has expired and another license has been applied for and denied as a final action of the licensing authority."

OAC 3745-400-12(D) - Timing of closure. "After ceasing to accept debris for disposal or after required mandatory closure in accordance with paragraph (B) of this rule, the owner or operator shall perform final closure activities outlined in paragraph (E) of this rule..."

C&D Disposal Technologies was required to initiate closure at least by January 26, 2011.

In accordance with OAC 3745-400-12(D) the Facility should have completed all of the following tasks outlined in OAC 3745-400-12(E):

(E) Closure activities. The owner or operator shall complete the final closure activities for licensed facilities as follows:

(1) Within seven days of ceasing to accept debris for disposal, the owner or operator shall provide written notification to the licensing authority of the date the facility ceased to accept debris. This was required to be completed by February 2, 2011, seven days after mandatory closure.

(2) Within seven days of ceasing to accept debris for disposal, the owner or operator shall block, by locked gates, fencing or other sturdy obstacles, all entrances and access roads to the facility to prevent unauthorized access during the final 3745-400-12 closure period, less the facility is to be used for other purposes which are indicated in writing to the licensing authority. This was required to be completed by February 2, 2011, seven days after mandatory closure.

(3) Within thirty days of ceasing to accept debris for disposal, the owner or operator shall post signs, easily visible from all access roads leading onto the facility, stating in

letters at least three inches high that the construction and demolition debris facility is closed and no longer accepts construction and demolition debris. The signs shall be maintained in legible condition for at least two years after the facility ceases to accept debris. This was required to be completed by February 25, 2011, 30 days after mandatory closure.

(4) Within sixty days of ceasing to accept debris for disposal, the owner or operator shall cover all uncapped disposal areas with at least six inches of recompacted soil and grade this soil to prevent ponding of water. This soil layer may be considered a part of the cap system required by paragraphs (D) and (E) of rule 3745-400-07 of the Administrative Code. This was required to be completed by March 27, 2011, 60 days after mandatory closure. At the time of my inspections on September 21, 2011 and November 2, 2011 the closure activities listed above had not been completed.

The Facility is in violation for failure to complete the aforementioned requirements. Please be advised that capping of the facility as required by OAC 3745-400-12(5) should have been completed by at least January 26, 2012, one year after mandatory closure.

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 O.A.C. Rules 3745-15 and 3745-27-16..."

   Thus, in accordance with the provisions of OAC Rule 3745-27-19, paragraph (B)(6)(f), 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 is required.

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,

(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 have been implemented. Therefore, Crossridge and C&D Disposal are in violation of OAC Rule 3745-27-10 and the approved Ground Water Monitoring Plan.

3) OAC 3745-27-19(K) requires an owner or operator to properly manage leachate. You are in violation of this rule for failure to control the leachate discharging from the man hole and leachate truck pad. Both of these areas were discharging to the road ditches which lead to Cross Creek.

Please respond to the Southeast District Office within 14 days detailing your actions taken to abate the above noted violations. Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapters 3734 and 3714 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to $10,000 per day for each violation. 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 Materials and Waste Management

DWW/mr

cc: Carla Gampolo, Jefferson County General Health District
Melinda Berry, Ohio EPA, DMWM
Robert Eubanks, AGO, EES