



**Environmental
Protection Agency**

Gov. Strickland, Governor
Lee Fisher, Lt. Governor
Chris Konecki, Director

September 20, 2010

**RE: CARBON LIMESTONE LANDFILL
2009 ANNUAL REPORT
NOTICE OF VIOLATION**

CERTIFIED MAIL

Mike Heher
Division Manager
Carbon Limestone Landfill, LLC
8100 South Stateline Road
Lowellville, OH 44436

Dear Mr. Heher:

The Ohio Environmental Protection Agency (Ohio EPA) Northeast District Office (NEDO) has completed a review of the Facility Annual Operational Report for 2009 for the Carbon Limestone Landfill. The report was received on March 30, 2010.

Ohio EPA has identified the following violations:

1. **OAC 3745-29-19(M)(1)** *"The "Annual Operational Report" shall include, at a minimum, the following information summarizing the previous calendar year's operation: (1) A topographic map of all units of the sanitary landfill facility, certified by a professional skilled in the appropriate disciplines, with updated contour lines on the plan drawing containing information specified in rule 3745-27-06 of the Administrative Code. The scale and contour interval shall be consistent with the approved plans. At a minimum, the owner or operator shall identify the following:..."*

The annual report topographic map scale is consistent with the approved permit to install and alterations; however, the contour interval in the annual report topographic map is two feet, and contour interval in the permit to install is five feet.

2. **OAC 3745-29-19(M)(1)(d)** *"...Areas that have intermediate cover"*

The annual report topographic map contains a note that intermediate cover has been placed. The note is not sufficient to be in compliance with this rule. The topographic map must clearly identify areas that have intermediate cover.

3. **OAC 3745-29-19(M)(1)(i)** *"...A comparison of the actual vertical and horizontal limits of emplaced waste to the vertical and horizontal limits of waste placement authorized in the applicable authorizing documents...if emplaced waste exceeds the limits of vertical and horizontal waste placement authorized in the applicable authorizing documents, this comparison shall include a topographic map which delineates the areal extent of emplaced waste that exceeds the approved limits*

specified in such authorizing documents. In addition, the topographic map shall contain notes that indicate the following information for waste exceeding authorized limits of waste placement: the maximum estimated volume, the maximum depth, and the average depth."

The limits of waste placement in the southern, western and northwestern edges (not including the haul roads) of Phase II are above the limits of waste placement in the authorizing document. Some of these areas are depicted in Figure 2, "2009 Constructed Remaining Airspace Isopach Plan." The annual report topographic map does not delineate all areas in which the existing limits exceed the approved limits of waste placement and does not contain notes regarding the volume and depth of waste.

4. **OAC 3745-29-19(M)(4)** requires the annual report to contain "...verification that the leachate management system is operating in accordance with this rule," and **OAC 3745-29-19(K)(3)** requires "The owner or operator shall inspect the collection pipe network of the leachate management system after placement of the initial lift of industrial solid waste to ensure that crushing has not occurred and shall inspect the collection pipe network annually thereafter to ensure that clogging has not occurred."

Section 15 of the annual report does not contain verification that the leachate management system is operating in accordance with this rule. Some maintenance of the leachate collection system was reported in Section 19. However, this information does not satisfy this rule. Invoices, reports or other verification that the leachate collection pipe network has been inspected must be included in the annual report.

5. **OAC 3745-29-19(M)(6)** requires the annual report to contain: "The most recent updated final closure cost estimate and post-closure care cost estimate adjusted for inflation and for any change in the final closure cost estimate or post-closure care cost estimate required by rules 3745-27-15 and 3745-27-16 of the Administrative Code."

The closure cost estimate has been appropriately adjusted for inflation. The post-closure cost estimate in the 2009 annual report is \$12,289,929. The post-closure cost estimate does not appear to be appropriately adjusted for inflation. The latest post-closure cost in Ohio EPA files is \$11,744,949 from the 2007 annual report. Adjusted for inflation, the 2009 cost estimate should be \$12,310,569.

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Ohio EPA has identified the following deficiencies:

1. **OAC 3745-29-19(M)(5)** requires the annual report to contain: *“Results of analytical testing of an annual grab sample of leachate...”*

The Section 16 states that the location where the sample was taken was “leachate.” The location and methods used to collect the leachate sample should be included in the annual report.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the entity 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 for remedying conditions resulting from any release of contaminants to the environment.

Please submit a response to this letter by October 20, 2010. If you have any questions concerning this letter, please contact me at (330) 963-1257.

Sincerely,



Katharina Snyder
Division of Solid and Infectious Waste Management

KS:cl

cc: Allison Giancola, DSIWM-NEDO
Mary Helen Smith, Mahoning County Health Department
File: [Sowers/LAND/Carbon Limestone/ANN/50]
DSIWM #3210

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Mike Heher
 Division Manager
 Carbon Limestone Landfill, LLC
 8100 South Stataline Road
 Lowellville, OH 44436

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