



**Environmental
Protection Agency**

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

June 23, 2011

**RE: CARBON LIMESTONE LANDFILL
2010 ANNUAL REPORT REVIEW
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) completed a review of the 2010 Annual Operation Report for the Carbon Limestone Landfill. The Annual Report was received on March 30, 2011.

Ohio EPA has identified the following violations:

1. **OAC 3745-27-19(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 2010 Annual Report topographic map does not present all units of the sanitary landfill facility, or include updated contour lines for all units of the facility. Specifically, Phase IV is not identified as a unit of the sanitary landfill on the topographic map. Phase II Closure Area 1-Area 4 and Phase I do not include permitted to of waste contour intervals consistent with the approved plans.

2. **OAC 3745-27-19(M)(1)(g)** requires the annual report to contain: *"A topographic map...at a minimum shall identify...access roads and buildings."*

The 2010 Annual Report topographic map, Drawing 1-Section 16, does not identify all existing buildings.

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

The 2010 Annual Report closure and post-closure cost estimates do not appear to be accurately adjusted for any change in activity that increases the cost of closure. For instance, the post-closure cost estimate accounts for a total number of 44 groundwater monitoring wells, however, Carbon Limestone has included more than 44 wells in their Corrective Measures Groundwater Monitoring Plan. Ohio EPA notes some changes in 2010 to include installation of several groundwater monitoring wells/piezometers, new leachate tank, and gas extraction well installation. Carbon Limestone shall analyze both the closure and post-closure estimates and make any appropriate revisions to the estimates whenever a change in the closure activities increases the cost of closure.

The closure cost estimate has been appropriately adjusted for inflation. The post-closure cost estimate in the 2010 annual report is \$12,434,831. The post-closure cost estimate does not appear to be appropriately adjusted for inflation. Due to the fact that the 2008 and 2009 annual report post-closure cost estimates were not adjusted for inflation correctly, results in the 2010 estimate to be incorrect. Adjusted for inflation, the 2010 cost estimate should be \$12,455,834.

Ohio EPA has identified the following deficiency in the 2010 Annual Report:

1. **OAC 3745-27-19(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 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."*

Six test pits were constructed over the southern, western and northwestern edges of Phase II that exceed the approved limits of waste placement, which were identified in the 2009 Annual Report NOV letter. A table presents the excavated depth of each test pit and identifies if waste was encountered. The field log states, "...locations were selected where the existing grades are 5 feet above permitted grades" and "...all test pits show at least 5 feet of soil above the top of waste with 2 test pits not being excavated to the top of waste but still having 5 feet of soil." Carbon Limestone did not clearly demonstrate a conclusion from the test pit construction, or identify on the topographic map the edges of Phase II to have an excess of intermediate soil.

Test pits were not constructed within all areas depicted on Figure 2, "2010 Constructed Remaining Airspace Isopach Plan" that are above the limits of waste placement. An adequate number of test pits have not been constructed; therefore the annual report topographic map does not delineate all areas in which the existing limits

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exceed the approved limits of waste placement and does not contain notes regarding the volume and depth of waste. If waste is found to exceed approved limits, then waste must be removed from that area and transferred to the operating phase to be landfilled properly. Ohio EPA shall be notified when test pits are constructed in each of these areas depicted on Figure 2.

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 July 23, 2011. If you have any questions concerning this letter, please contact me at (330) 963-1257.

Sincerely,



Katharina Snyder
Division of Materials and Waste Management

KS:cl

cc: Allison Giancola, DMWM-NEDO
Mary Helen Smith, Mahoning County Health Department
File: Sowers[LAND/CARBON LIMESTONE/ANN/50]
DMWM #3850

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

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