



**Environmental  
Protection Agency**

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

June 23, 2011

**RE: CARBON LIMESTONE LANDFILL  
2009 ANNUAL REPORT RESPONSE  
NOTICE OF UNRESOLVED VIOLATIONS**

**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 Carbon Limestone Landfill response to the notice of violation regarding the 2009 Annual Operational Report. The response was received at Ohio EPA NEDO on October 20, 2010.

The following responses to the 2009 Annual Report NOV do not adequately address the violations:

**Response to Violation One:** Carbon Limestone Landfill has raised a valid point regarding the NOV pertaining to the contour intervals. Ohio EPA NEDO has requested assistance regarding interpretation of this rule from Ohio EPA Central Office and is awaiting a response regarding the interpretation of OAC Rule 3745-27-19(M)(1) because the 2009 annual report contour interval at five feet is consistent with the July 17, 2007 PTI Alteration contour interval.

On another note, OAC Rule 3745-27-19(M)(1) requires the "Annual Operational Report" to include, at a minimum, a topographic map of **all units of the sanitary landfill**, with updated contour lines on the plan drawing containing information specified in OAC Rule 3745-27-06. The 2009 Annual Report (and the 2010 Annual Report) does not include contour intervals for all units of the sanitary landfill consistent with the approved plans, as required by OAC Rule 3745-27-19(M)(1). Specifically, the permitted top of waste contour lines are not identified for Phase II Closure Areas on both 2009 and 2010 Annual Reports. Also, Phase IV is not identified as a unit of the sanitary landfill in both 2009 and 2010 Annual Reports. Additionally, Phase I contour lines are not identified on topographic maps.

Even if past Annual Reports did not include this information, it is required by the rule and shall be presented at this time and in all future submittals. Therefore, Carbon Limestone Landfill remains in violation of OAC Rule 3745-27-19(M)(1).

**Response to Violation Five:** The Annual Report post-closure cost estimate for 2008 is \$12,037,354 and for 2009 is \$12,289,929. However, with the correct inflation factor of 2.66% for year 2008, the post-closure estimate shall be \$12,057,365. In this regard, the 2009 cost estimate, adjusted for inflation correctly, is \$12,310,569. Because the 2008 post-closure estimate was not adjusted correctly, the 2009 estimate remains in violation to OAC Rule 3742-27-19(M)(6).

The following responses address the 2009 Annual Report NOV to Ohio EPA NEDO's satisfaction:

**Response to Deficiency One:** The location and methods used to collect the leachate sample were included in the annual report Section 16, Field Information Report, within Field Comments. Carbon Limestone has complied with OAC Rule 3745-27-19 (M)(5), which states, "The grab sample shall be obtained from the leachate management system."

**Response to Violation Two:** OAC Rule 3745-27-19(M)(1)(d) requires the owner or operator to identify, on the topographic map, areas that have intermediate cover. The owner/operator of Carbon Limestone Landfill did not revise the 2009 Annual Report topographic map to identify areas that have intermediate cover. Carbon Limestone Landfill has addressed this violation by revising the 2010 Annual Report topographic map to clearly identify the areas of intermediate cover.

**Response to Violation Three:** Carbon Limestone Landfill addressed this violation by documenting six test pits that were installed over areas where existing limits exceed approved limits of waste placement. However, the number of test pits constructed within the southern, western, and northwestern edge does not appear adequate to verify that emplaced waste does not exceed the authorized limits of waste placement. Further, Carbon Limestone Landfill did not provide a conclusion regarding interpretation of the test pit information, or delineate the areal extent where existing limits exceed approved limits as excess intermediate cover.

Ohio EPA notes that the 2010 Annual Report-Figure 2, "2010 Constructed Remaining Airspace Isopach Plan," depicts areas that are above the limits of waste placement. Test pits should be constructed within each of these areas depicted on Figure 2 to verify whether waste exceeds the authorized limits. A survey should be conducted for each test pit at the top of waste grade to identify top of waste limits and compared to the authorized top of waste limits. By surveying in this manner, Carbon Limestone should be able to present a clear comparison of actual to authorized emplaced waste limits. With that information,

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Carbon Limestone Landfill, LLC  
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Ohio EPA can determine whether Carbon Limestone Landfill has complied with OAC Rule 3745-27-19(M)(1)(i). 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. Ohio EPA should be notified when test pits are constructed in each of the areas depicted on Figure 2.

**Response to Violation Four:** Carbon Limestone has addressed the violation by verifying that the leachate management system has been inspected by submitting documentation as evidence to OAC Rule 3745-27-19(M)(4) and(K)(4).

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 #3210