



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

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www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

December 1, 2008

**RE: CARBON LIMESTONE LANDFILL  
NOTICE OF VIOLATION, PHASE I/II/III  
LEACHATE MANAGEMENT SYSTEM  
MAHONING COUNTY**

**CERTIFIED MAIL**

Michael Heher, General Manager  
Carbon Limestone Landfill, LLC  
8100 Stateline Road  
Lowellville, OH 44436

Dear Mr. Heher:

On November 10, 2008, the Ohio Environmental Protection Agency (Ohio EPA) received your November 4, 2008 request to "rethink" the interpretation of Ohio Administrative Code (OAC) rule 3745-27-19(E)(1)(c) with respect to Ohio EPA's February 20, 2008 and March 18, 2008 Notices of Violation (NOVs) concerning the leachate management system at the Carbon Limestone Landfill, Mahoning County. On November 18, 2008, Ohio EPA received a July 8, 2008 report prepared by Landmarc and Gateway concerning repairs completed to the leachate tanks on June 23, 2008. Additional leaks were identified by Allied and additional repairs were scheduled for November 10, 2008, according to your November 10, 2008 correspondence.

Specifically, your November 4, 2008 letter states that Carbon Limestone Landfill, LLC (CLL) does not believe that the fact that the leachate storage tanks have leaks constitutes a violation of OAC 3745-27-19(E)(1)(c). Ohio EPA does not agree, and the following violation remains:

1. *OAC Rule 3745-27-19(E)(1)(c) requires the owner or operator to maintain the integrity of the engineered components of the sanitary landfill facility and repair any damage to or failure of the components. "Engineered components" include the components described in rule 3745-27-08 of the Administrative Code and components of the monitoring system(s) installed in accordance with rule 3745-27-10 of the Administrative Code. Failed or damaged engineered components shall be investigated and reconstructed in strict compliance with the existing applicable authorizing documents. If a redesign is necessary, prior approval of an alteration or a modification shall be obtained."*

Michael Heher, Facility Manager  
Carbon Limestone Sanitary Landfill  
December 1, 2008  
Page 2

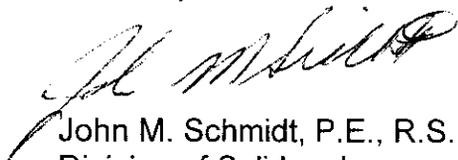
According to information provided by the Mahoning County District Board of Health (MCDBOH), the owner/operator noted that the leachate tanks were leaking since 2004. However, repairs were not scheduled until MCDBOH and Ohio EPA issued respective NOV's in December 2006 and February 2007. Once cited by Ohio EPA and MCDBOH, repairs took an additional four months to complete. Ohio EPA also notes that the July 8, 2008 report took an additional four months to be transmitted to Ohio EPA. The July 8, 2008 report recommends that Leachate Tank No. 2 be replaced within the next year and that Tank No. 1 be replaced within the next few years. In order to comply, CLL must provide Ohio EPA and MCDBOH a specific schedule regarding the implementation of these recommended tank replacements. Ohio EPA also notes that a surface water PTI application and solid waste PTI alteration are pending with Ohio EPA that will place additional capacity demands upon these tanks.

***Please submit a written response to this notice of violation within 30 days of the date of this letter. Failure to do so may lead to escalated enforcement.***

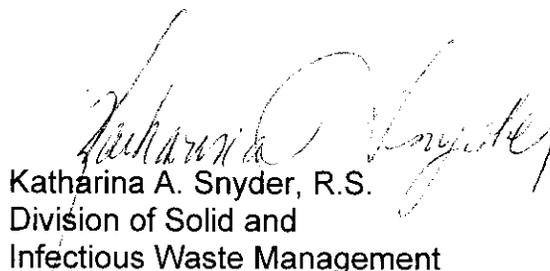
Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release Allied Waste Services, Inc., Carbon Limestone Landfill, LLC, or others from responsibility under Chapters 3704, 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.

If you have any questions concerning this letter, please contact either John Schmidt at (330) 963-1175 or Katharina Snyder at (330) 963-1257.

Sincerely,



John M. Schmidt, P.E., R.S.  
Division of Solid and  
Infectious Waste Management



Katharina A. Snyder, R.S.  
Division of Solid and  
Infectious Waste Management

JMS/KAS/cl

cc: John Kwolek, DSW-NEDO  
Tim Nytra, Allied Imperial Landfill  
Mary Helen Smith, Mahoning County Board of Health  
File: [Sowers/LAND/Carbon Limestone LF/COR/50]  
DSIWM #1292