



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

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

March 18, 2008

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

**CERTIFIED MAIL**

Michael Heher, General Manager  
Carbon Limestone Sanitary Landfill  
Browning-Ferris Industries of Ohio, Inc.  
8100 Stateline Road  
Lowellville, OH 44436

Dear Mr. Heher:

On March 3, 2008, the Ohio Environmental Protection Agency (Ohio EPA) received a February 29, 2008, response to a February 20, 2008, Notice of Violation (NOV) concerning the leachate management system at the Carbon Limestone Sanitary Landfill, Mahoning County. Ohio EPA appreciates the clarification on some factual aspects and a timely response to our inquiry. The February 29, 2008, response does not address all the items specified in the February 20, 2008 NOV or provide a timeline as to when Ohio EPA can expect to see documentation that those tasks have been accomplished. In the February 20, 2008 NOV, Ohio EPA outlined the following requirements:

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."*

BFIO has not provided Ohio EPA and the Mahoning County District Board of Health (MCDBH) with a specific schedule to make repairs to all the existing leachate tanks. The tank capacity as designed does not appear to meet the minimum capacity as prescribed by OAC 3745-27-08(D)(17) to receive the anticipated amount of leachate removed during normal operations to maintain a

Michael Heher, Facility Manager  
Carbon Limestone Sanitary Landfill  
March 18, 2008  
Page 2

maximum of one foot of head across the liner system. Your February 29, 2008 response states that your consultant, CEC, performed an assessment and found the current design adequate. Please provide Ohio EPA and MCDBH with copies of CEC's assessment of the current leachate storage system design adequacy. Initial placement of waste across the cell may be considered the worst case scenario for anticipated leachate production, and may coincide with restrictions on leachate discharge to the Lowellville WWTP. Therefore, leachate storage tank capacity should be based upon these conditions. In addition, the February 20, 2008 NOV requested a demonstration of the structural integrity of all leachate tanks. Your February 29, 2008 response indicated that Landmarc completed the tank structural integrity assessment. Please provide Ohio EPA and MCDBH with copies of Landmarc's assessment of the structural integrity of the tank system.

2. *OAC Rule 3745-27-19(J)(1) requires the owner or operator to divert surface water from areas where solid waste is being, or has been, deposited.*

During the site visit conducted on March 5, 2008, surface water from Phase III-A South was being diverted to surface water ditches along the western and northern perimeters of Cell III-A North for treatment at the North Sedimentation Basin. Allied's February 29, 2008 response appears adequate and no additional information is needed to respond to the violation.

3. *OAC Rule 3745-27-19(K)(4) requires the owner or operator to obtain authorization in writing from Ohio EPA prior to temporary storage of leachate within the limits of waste placement.*

As noted in the February 29, 2008, letter, Ohio EPA received a request to temporarily store leachate within the limits of waste placement of Phase III-A South. Ohio EPA reviewed the request, and has requested additional information from Allied in order to further consider the request. Until Allied has received authorization pursuant to OAC 3745-27-19(K)(4), Allied may not allow leachate to exceed 12 inches above the liner system outside of the sump area. During a site visit conducted on March 5, 2008, Ohio EPA observed panel readouts for Phase III-A North at 27 inches. This is within the acceptable reading level at the sump.

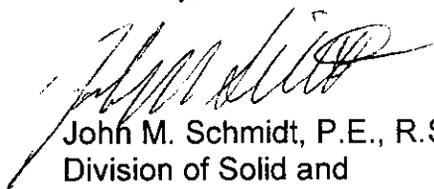
***Please submit a written response to this notice of violation within 30 days of the date of this letter. Failure to do so may lead to escalated enforcement.***

Michael Heher, Facility Manager  
Carbon Limestone Sanitary Landfill  
March 18, 2008  
Page 3

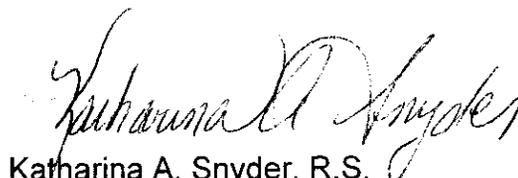
Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the Entity from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

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