



State of Ohio Environmental Protection Agency

Northeast District Office

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

February 20, 2008

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

CERTIFIED MAIL

Tim Nytra
Site Engineer
Carbon Limestone Sanitary Landfill
Browning-Ferris Industries of Ohio, Inc.
8100 Stateline Road
Lowellville, OH 44436

Dear Mr. Nytra:

On December 21 and 28, 2007, the Ohio Environmental Protection Agency (Ohio EPA) and the Mahoning County District Board of Health (MCDBH) performed inspections to examine the leachate collection, conveyance, and storage system at the Carbon Limestone Sanitary Landfill, located at 8100 Stateline Road, Poland Township, Mahoning County. John Schmidt represented Ohio EPA; Misty Koletich represented MCDBH; and you represented Browning-Ferris Industries of Ohio, Inc. (BFIO). The facility is currently owned and operated by BFIO, a subsidiary of Allied Waste Services, Inc.

Specifically, the December 21, 2007 inspection was conducted because MCDBH previously observed that the alarm on the Phase III-A North Sump was flashing and the panel readout of leachate at the sump showed the leachate level in excess of 108 inches. From examination of the certification report for Cell III-A North, the sump is 24 inches deep. During our December 21, 2007 discussions, you provided both Ohio EPA and MCDBH with the following:

- Rainfall, recent snow melt, limited waste in Cell III-A North (waste depth 6 feet in places), and the size of certified Cell III-A North all contributed to generating a large quantity of leachate.
- The maximum allowable leachate discharge flow rate to Lowellville WWTP is 40,000 gpd. Lowellville is unable to accept leachate during some wet weather events.

Michael Heher, Facility Manager
Carbon Limestone Sanitary Landfill
February 20, 2008
Page 2 of 5

- In addition to discharging leachate to Lowellville, BFIO is currently having leachate removed via tanker to the Struthers WWTP.
- Current on-site leachate tank holding capacity is reduced by a hole near the top of one of the leachate storage tanks. This reduces its holding capacity by half.

An additional inspection was made by Ohio EPA on December 28, 2007. John Schmidt represented Ohio EPA, and Pete Steer represented BFIO. The alarm on the Phase III-A North Sump was flashing and the panel readout of leachate at the sump showed the leachate level in excess of 70 inches. Pete Steer explained that both Tim Sturm of Civil and Environmental Consultants, Inc. (CEC) and the pump supplier were on site December 27, 2007, to evaluate the accuracy of the readout at the Phase III-A North Sump. Pete Steer explained that a crack in the discharge line draining storm water from the uncertified Phase II-A South cell was allowing water to drain into Cell III-A North and contributed to leachate production. The crack in the line was repaired the day it was discovered.

Ohio EPA notes the following:

- *Ohio Administrative Code (OAC) Rule 3745-27-08(C)(3)(c) requires that the leachate collection and management system be designed to limit the level of leachate in areas other than sumps to a maximum of one foot throughout the operation and post closure of the facility.*
- *OAC 3745-27-08(D)(16) requires leachate collection and management systems to incorporate measures to automatically remove leachate from the landfill to leachate storage tank(s), a permitted public sewer, or a permitted wastewater treatment system.*
- *OAC 3745-27-08(D)(17) requires leachate storage tanks to have adequate storage capacity to receive the anticipated amount of leachate removed during normal operations from the leachate sumps to maintain a maximum of one foot of head and at a minimum of at least one week of storage capacity using design assumptions simulating final closure pursuant to OAC 3745-27-11.*

Based upon the information provided to Ohio EPA on December 21, and 28, and design requirements noted above, Ohio EPA has identified the following violations:

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*

Michael Heher, Facility Manager
Carbon Limestone Sanitary Landfill
February 20, 2008
Page 3 of 5

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 complied with this rule because only half of the design capacity of the leaking leachate storage tank can be used at this time. Please provide Ohio EPA and MCDBH with a schedule to either make repairs to all the existing tanks or to replace them. BFIO should also assess the adequacy of the existing tank capacities. The current 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 maximum of one foot of head across the liner system. 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, given the problems with the structural integrity of one of the tanks, please demonstrate the structural integrity of all tanks to Ohio EPA.

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.*

BFIO allowed a portion of the surface water being pumped from the uncertified Phase III-A South cell to drain into the certified Phase III-A North cell, contributing to leachate production. Repairs were made to the leaking line from Cell III-A South the same day damage was discovered by BFIO staff. Please provide Ohio EPA and MCDBH with documentation of repairs, and explain any additional measures to be taken that will ensure this situation does not reoccur.

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.*

Accumulation of leachate within Phase III-A North in excess of 12 inches above the liner system constitutes temporary storage of leachate within the limits of waste placement without prior written authorization from Ohio EPA. BFIO must remove excess leachate for proper disposal and maintain its leachate management system to ensure that leachate does not accumulate to a depth greater than 12 inches on any part of the liner system outside the sump area.

Michael Heher, Facility Manager
Carbon Limestone Sanitary Landfill
February 20, 2008
Page 4 of 5

Please submit written documentation of daily leachate removal and corresponding leachate levels to MCDBH until the violation has been corrected.

Please submit a written response to this notice of violation by March 20, 2008.

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 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
Mike Heher, Carbon Limestone Landfill
Mary Helen Smith, Mahoning County Board of Health
File: [SOWERS/LAND/Carbon Limestone LF/COR/50]