



State of Ohio Environmental Protection Agency

Northeast District Office

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

July 15, 2009

**RE: BFI CLD/LEWIS LANDFILL
2008 ANNUAL REPORT
NOTICE OF DEFICIENCY**

Mike Heher
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 reviewed the March 24, 2009 document titled *2008 Annual Post-Closure Report, CLD/Lewis Landfill, Green Township, Mahoning County, March 2009* (2008 Annual Report). The 2008 Annual Report was received on March 26, 2009. The report was prepared by Civil and Environmental Consultants, Inc. (CEC) on behalf of County Land Development, LLC, (CLD), formerly Browning-Ferris Industries of Ohio, Inc. (BFIO) for the CLD/Lewis Landfill, located at 9960 South Range Road, Green Township, Mahoning County. The CLD and Lewis Landfills are each solid waste disposal facilities that are contiguous and under a single owner. Each solid waste facility is currently owned by CLD and was last operated by BFIO. CLD operates a licensed construction and demolition debris (CDD) facility on top of a portion of the CLD Landfill.

Ohio EPA has identified the following violation:

OAC 3745-27-14(A)(6)(c) requires in part, that the annual report submitted to the appropriate Ohio EPA district office and approved health department and placing a copy into the operating record no later than April 1 each year, contain The most recent updated post-closure cost estimate adjusted for inflation and for any change in the post-closure cost estimate required by OAC 3745-27-16.

Based upon the closure date of the CLD LF (September 8, 1998) the entire 124 acre site is subject to the financial assurance requirements of OAC 3745-27-16. Financial assurance cost estimates for post-closure care reflect only the maintenance of a 94.8 acre final cover system installed pursuant to December 28, 2004 Director's Final Findings and Orders (DFFOs) and not the entire 124 acres of solid waste placement at the CLD Landfill. The estimate must be revised and the corresponding financial assurance instrument revised to reflect the post-closure care of the entire CLD Landfill.

No additional violations were noted in the review of the document. The initial report was received prior to April 1, 2009 and contained information as prescribed by OAC 3745-27-14(A)(6).

Ohio EPA has identified the following deficiencies and offers the following comments:

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- 1) OAC 3745-27-14(A)(6)(c): *The annual operational report shall include the following information...the most recent updated final closure cost estimate, post-closure cost estimate, adjusted for inflation and for any changes in the estimates.*
 - a) Estimate Revision to Reflect Closure Plan Revisions: There are revisions to the closure/post-closure plan pending with Ohio EPA, and there are elements of the surface water management system not yet constructed and certified on the CLD portion of the facility. There are also changes envisioned for the Lewis portion of the facility. The closure estimate must include all items within the facility boundary of the CLD Landfill and Lewis LF for which construction certification concurrence has not been received. Please revise the estimate accordingly.
 - b) Estimate of Acreage Capped, Areas remaining to install Final Cover System: From examination of the notes on the summary table and detailed breakdown table (Table 1), there appears to be some clarification needed to verify consistency with the 2008 C&DD License Application.
 - i) Note C should state that the areas remaining to cap are associated with the C&DD disposal areas, and that the 2007 C&DD License indicates an ILDA of 54.9 acres and an ALDA of 44.8 acres, with 50 acres capped and certified. The 4.9 acres was removed as no C&DD was placed, and the corresponding ILDA should have been reduced from 54.9 acres to 50 acres in that license application.
 - ii) Note D should explain the discrepancy of the 35.3 acres remaining to cap with the 44.8 acres reported as ALDA in the 2008 CDD License. The closure estimate must reflect the acreage of C&DD placement area remaining to close. If this area is larger than 35.3 acres, then the units must be revised to reflect the larger area. The 59.5 acres shown to be capped should include further detail explaining the portion that is capped over the C&DD area (50 acres) and the ACM area and solid waste disposal area (9.5 acres).
 - iii) If the financial assurance estimates do not apply to the Lewis Landfill, it would be helpful to clarify this in the estimate plan notes. Ohio EPA suggests wording such as "Lewis Landfill, due to the date it ceased waste acceptance and previous authorizations, is not subject to the preparation of a post-closure cost estimate pursuant to OAC 3745-27-14(A)(6)(c) or submittal of a corresponding financial assurance instrument pursuant to OAC 3745-27-16."
 - c) Post-Closure Care Estimate: In review of the post-closure care engineering estimate, the following deficiencies are identified:

- i) *Ground Water Monitoring:* It is unclear if the number of wells in detection and assessment represents the entire ground water monitoring system that surrounds both the CLD Landfill and the Lewis Landfill or just the CLD Landfill. Ohio EPA suggests adding clarification in notes for the summary table.
- ii) *Explosive Gas Monitoring:* Eight hours may be a more realistic estimate of the actual time for monitoring and reporting for the explosive gas monitoring system. Note that the cost should include not only the field time to collect the samples, but the time to gather the reports and submit the report to Ohio EPA and the MCDBOH.
- iii) *Post-Closure Care Estimate Units to reflect Entire CLD Facility:* It is unclear if post-closure care items reflect costs for maintaining systems which monitor both the Lewis Landfill and the CLD Landfill in post-closure care. The Lewis Landfill contains approximately 77 acres of waste placement, according to the May 31, 1990 Final Closure Plat, and the CLD Landfill contains approximately 124 acres of solid waste placement, according to the December 21, 1995 CLD Final Closure/Post-Closure Plan. Therefore the combined CLD-Lewis area contains approximately 201 acres of solid waste placement. Under the section titled *Maintenance of Cover System*, maintenance of the cover system is for only the 94.8 acre portion of the CLD Landfill that contains the new cap system over the C&DD placement and not the entire limits of solid waste placement of the CLD Landfill (124 ac). The post closure estimates should be clear as to their applicability to both the Lewis Landfill and the CLD Landfill. The 2005 estimate assumed that 0.5 acres, or approximately 0.5% of the total closed landfill acreage, will require repair or replacement for any given year, which may be appropriate for the CLD portion of the facility which has steeper slopes. An additional line item should be added to reflect maintenance of the 29 acres of CLD final cover system containing a pre-1990 cap system. The shallower slopes of the pre-1990 cap areas are likely to require more repair during the post-closure care period. For the pre-1990 cap areas, the following annual formula should be utilized: 2.0% of the cap requiring dressing, seeding, and mulching and 1.0% of the cap requiring total rebuild of all engineered components. Please revise the estimate to reflect these costs as applicable.
- iv) *Ground Water Monitoring Well Sampling, Analysis, and Reporting:* A review of Ohio EPA's files indicates that the facility has several wells in assessment monitoring. The post-closure care estimate must include assessment monitoring activities for all ground water monitoring wells in assessment as of December 31, 2007. Please revise the post-closure care estimate accordingly.

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- v) Explosive Gas Extraction System Flare, Compressor, and Blower Replacement: The revised estimate includes a \$5,000 line item for rebuilding the flare, compressor, and blower once during the post-closure care period. This cost appears to be low, and should be increased to at least \$10,000. Please increase the unit cost accordingly.
- vi) Maintenance of Gas Extraction and Control System over the Lewis Landfill: Although the Lewis Landfill is not subject to post-closure care estimates and financial assurance, the explosive gas monitoring and control system is integral regardless of its location around the Lewis Landfill or CLD Landfill. The cost estimate should be revised to reflect the maintenance of the gas collection and control system over the entire 201 acre footprint that is both the Lewis Landfill and the CLD Landfill. In the event that CLD is unable to continue post closure care and this duty were to be assumed by the State, the entire gas collection system must be maintained for the duration of the post-closure care period.

Please submit a response to this letter by August 15, 2009.

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 me at (330) 963-1257.

Sincerely,


Katharina Snyder
Division of Solid and Infectious Waste Management

KS:cl

cc: Mary Helen Smith, Mahoning County Health Department
File: [Sowers/LAND/CLD/ANN/50]
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