



Environmental
Protection Agency

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

August 10, 2012

RE: **CARBON LIMESTONE LANDFILL
2009, 2010, 2011 ANNUAL REPORTS
NOTICE OF VIOLATION**

CERTIFIED MAIL 7012 1010 0002 2260 0543

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) completed a review of the 2011 Annual Operation Report for the Carbon Limestone Landfill (Carbon Limestone). The Annual Report was received on March 29, 2012.

On November 30, 2011, Ohio EPA sent a notice of violation (NOV) describing unresolved violations for both the 2009 and 2010 annual reports. Carbon Limestone responded to this letter on January 6, 2012 and stated that the 2011 Annual Operational Report would address the remaining violations and comments.

The 2011 Annual Report addressed most of the unresolved violations and comments. The outstanding violations remain from the 2009 & 2010 annual reports:

Outstanding Violation three – part one (from November 30, 2011 letter): The post-closure care cost estimate does not account for the entire ground water monitoring system. Ohio EPA estimates a total of 92 ground water monitoring wells for post-closure; however only 86 were accounted for in the post-closure estimate. Carbon Limestone shall update the post-closure cost estimate to include the correct number of ground water monitoring wells.

Outstanding Violation three – part two (from November 30, 2011 letter): The post-closure care cost estimate does not account for the correct number of active gas extraction wells, as well as include an accurate estimate for operating and maintaining the gas system. For instance, a cost for pipe replacement is not included for this estimate. Carbon Limestone shall update the post-closure care cost estimate to account for a more accurate number of gas wells at closure, as well as include a cost for pipe replacement for operation and maintenance of the gas extraction system.

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Outstanding Violation three – part four (b) (from November 30, 2011 letter): The post-closure care cost estimate does not account for quarterly inspections/reports for the maintenance of the cover system. Carbon Limestone shall increase the cost estimate for inspections/reports for the maintenance of the cover system to be quarterly instead of annually.

Ohio EPA has identified the following violation in the 2011 annual report:

OAC Rule 3745-27-19(M)(1) *“The “Annual Operational Report shall include at a minimum, the following information summarizing the previous calendar year’s operation:...(i) A comparison of the actual vertical and horizontal limits of emplaced waste to the vertical and horizontal limits of waste placement authorized in the applicable authorizing documents...if emplaced waste exceeds the limits of vertical and horizontal waste placement authorized in the applicable authorizing documents, this comparison shall include a topographic map which delineates the areal extent of emplaced waste that exceeds the approved limits specified in the authorizing documents. In addition, the topographic map shall contain notes that indicate the following information for waste exceeding authorized limits of waste placement: the maximum estimated volume, the maximum depth, and the average depth.”*

Drawing No. 2, “Contour Comparison”, identifies areas that are above the permitted limits of waste placement. The over height area is in Phase III-A on the western edge (not including the haul road). The annual report does not delineate all areas in which the existing limits exceed the approved limits of waste placement. Also, the report does not contain notes telling the depth of waste and intermediate cover. Carbon Limestone is reminded that any waste found to exceed the approved limits must be removed from that area and transferred to the operating phase to be landfilled properly.

Ohio EPA has the following comments regarding the 2011 annual report:

Comment One: Ohio EPA received a letter dated March 6, 2012, relating to the November 30, 2011 violation letter, indicating that additional test pits would be excavated to document the elevation of the waste placement in relation to permitted grades. Carbon Limestone completed twelve test pits and concluded that the actual top of waste was below the permitted top of waste limit. Also, it was concluded that at least 5-feet of soil is above the waste limits.

In response to the test pits constructed, Carbon Limestone shall delineate on the topographic map all areas that have an excess of intermediate cover. Referring to the rule quoted above, the topographic map should contain a note that indicates the maximum estimated volume of excess intermediate cover.

Comment Two: Ohio EPA is concerned with the additional 5 feet of intermediate cover, because when a final cap is constructed the final permitted grades cannot be met in

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these areas. Carbon Limestone should provide reasoning for the excess intermediate cover and demonstrate how final grades can be met. According to the permit, the final grades include one-foot of intermediate cover on top of waste, as well as 1.5 feet recompacted soil barrier, 40-mil FML, geocomposite, and 2.5 feet of protective cover.

Comment Three: Section 12(B) discusses permits pending or intended and/or other factors that may affect future facility capacity and/or circumstances that resulted in significant changes in waste receipts. This section does not discuss all pending permits. Carbon Limestone shall revise this section to include the pending exempt waste facility permit.

Comment Four: The site information sheet for closure and post-closure care does not appear to be adjusted from the previous annual report to year 2011. Carbon Limestone shall update the site information sheet for both closure and post-closure care in Section 18.

Comment Five: The closure and post-closure cost summations appear to be calculated incorrectly. For closure the total should be \$23,055,302 (rounded) instead of \$23,055,301 and for post-closure the total should be \$19,493,157 (rounded) instead of \$19,493,186 for post-closure. Carbon Limestone shall clarify and revise the closure/post-closure estimates accordingly. Please keep in mind that the outstanding violation listed above affect the post-closure cost estimate.

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 September 10, 2012. 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 #3850