



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

December 28, 2012

**RE: CARBON LIMESTONE LANDFILL
2009, 2010, 2011 ANNUAL REPORTS
RETURN TO COMPLIANCE**

CERTIFIED MAIL 7012 1010 0000 9467 7360

Mike Heher
Division Manager
Carbon Limestone Landfill, LLC
8100 South Stateline Road
Lowellville, OH 44436

Dear Mr. Heher:

Ohio EPA received the 2011 Facility Annual Operational Report on March 29, 2012 for Carbon Limestone Landfill (Carbon Limestone). On November 30, 2011, Ohio EPA sent a letter regarding 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 remaining unresolved violations for the 2009 and 2010 Annual Reports were communicated to Carbon Limestone in a letter dated August 10, 2010. The letter also included Ohio EPA's review of the 2011 Annual Report.

A response was received on September 7, 2012. Based on a September 12, 2012 meeting with Carbon Limestone, the letter was subsequently withdrawn for revision on September 13, 2012. On October 5, 2012, Ohio EPA received the revised response from Carbon Limestone.

Ohio EPA has determined that all outstanding violations have now been resolved. No technical comments were identified in review of the response to the August 10, 2012 Notice of Violation letter regarding the 2009, 2010 and 2011 Annual Reports, nor to the revisions submitted for the 2011 Annual Report. The financial assurance has been updated correctly and all areas of apparent waste over-height from the aerial survey were identified as containing an excess of intermediate or transitional cover soil through test pit verification.

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Ohio EPA would like to clarify that Carbon Limestone did update the post-closure care estimate for ground water monitoring wells correctly in the 2011 Annual Report received on March 29, 2012. Outstanding violation three, part one, from the November 30, 2011 letter, stated the incorrect total number of ground water wells to be monitored during post-closure care. The same violation was restated in the August 10, 2012 letter and was also incorrect. Therefore, Carbon Limestone achieved compliance for violation three, part one, in the March 29, 2012 submittal.

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 Materials and Waste Management

KS:cl

cc: Allison Giancola, DMWM-NEDO
Mary Helen Smith, Mahoning County Health Department
File: [Singh/LAND/Carbon Limestone/ANN/50]
DMWM #s 3210, 3850, 4395