



State of Ohio Environmental Protection Agency

Northeast District Office

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

November 18, 2008

RE: FOLLOW-UP TO NOTICE OF VIOLATION
FOR OPERATING F004 AND P002 IN
VIOLATION OF PERMIT TERMS AND
CONDITIONS
DAPC FACILITY ID: 02 50 07 0850

CERTIFIED MAIL

Mr. Michael Heher
Carbon Limestone Landfill, LLC
8100 Stateline Road
Lowellville, OH 44436

Dear Mr. Heher:

The purpose of this letter is to discuss Carbon Limestone Landfill, LLC's (Carbon's) response to the Notice of Violation (NOV) sent to the facility on September 22, 2008. This office received Carbon's response on October 1 and October 14, 2008.

F004 – "Mixing Pit":

Carbon's letter explains that permit-to-install (PTI) 02-7751 does not specify what part, if any, of the building is to be enclosed. It also explains that Carbon does not feel that an NOV was appropriate for this matter, but that Carbon is willing to discuss the building and bring this to a satisfactory conclusion.

When asked about the lack of enclosure during the August 12, 2008, inspection, Carbon was unwilling to discuss repairing the enclosure. This office felt that a NOV was warranted to solicit a more formal response.

Removing the sides, or portions of the sides, of the enclosure thereby causing potential particulate emissions to increase due to increased wind velocity, may constitute a modification of this emissions unit as defined by Ohio Administrative Code (OAC) rule 3745-31-01(QQQ).

The particulate emission limitation specified in PTI 02-7751 is based on an equation from AP-42 "Compilation of Air Pollutant Emission Factors" using a mean wind speed of 1.3 mph due to the three sided enclosure. Had no enclosure been in place, a value of 10 mph would have been used as a mean wind speed for the Youngstown area. The particulate emission limitation in the permit cannot be met using this now appropriate value for wind speed.

This unit has been modified since the original application and must be repaired to its original condition or an alternative condition if emissions can be demonstrated to be the same. Please submit a compliance plan and schedule detailing the steps to be taken to come into compliance with the enclosure requirement **within 21 days of receipt of this letter.**

Carbon's response includes a discussion as to why records submitted to this office of liquid materials being processed are not reflective of organic compound emissions from this source.

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The response includes updated records which demonstrate that much of the liquid accepted for disposal does not contain organic compounds.

Failure to maintain the appropriate records in an easily accessible manner is a violation of PTI 02-7751. Please make sure to maintain these records appropriately in the future. No further action is required at this time regarding this matter.

P002 – "160 KW Generator for Screening Plant Operations":

Carbon's response explains that the records provided to this office for operating hours were not reflective of the actual operating hours of this unit. Updated records have been submitted to verify that the operating hours restriction has not been exceeded, using 2007 data for the worst case year.

Failure to maintain the appropriate records in an easily accessible manner is a violation of PTI 02-11054. Please make sure to maintain these records appropriately in the future. No further action is required at this time.

Fee Emission Reports:

Based on the above information, the fee emission reports for previous years are correct and no reports need to be resubmitted.

Failure to comply with the above request regarding the enclosure may result in an enforcement action up to and including a referral to the Central Office of Ohio EPA for appropriate action.

The submission of the requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

Should you have any questions regarding this matter, please feel free call me at (330) 963-1270.

Sincerely,



Tim Fischer
Environmental Specialist
Division of Air Pollution Control

TF:bo

ec: Dennis Bush, Ohio EPA, DAPC, NEDO
Ed Fasko, Ohio EPA, DAPC, NEDO
John Schmidt, Ohio EPA, DSIWM, NEDO
Misty Koletich, M-TAPCA

cc: Bob Princic, Ohio EPA, DAPC, NEDO
Lisa Holscher, U.S. EPA, Region 5
Tom Kalman, Ohio EPA, DAPC, CO