



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

February 8, 2013

**CERTIFIED MAIL**

Carbon Limestone Landfill, LLC  
8100 South Stateline Road  
Lowelville, OH 44436

**RE:** Permit to Install: Carbon Limestone Sanitary Landfill  
PTI #02-22826  
Vertical Expansion

Dear Sir or Madam:

The Ohio Environmental Protection Agency, pursuant to Ohio Administrative Code Rule 3745-27-02 and the rules adopted thereunder, has reviewed the application for a permit with accompanying detail plans, specifications and/or information (hereinafter referred to as "application") regarding the above-referenced facility. This application has been approved by the Director subject to the conditions of compliance contained in the permit approval enclosed herewith and with all applicable laws, rules and standards. All construction must be supervised by an engineer or expert qualified in such work. Because the permit approval contains conditions of compliance, I urge you to read it carefully.

You are requested to submit within thirty (30) days of the date of issuance of this Permit to Install, the required permit fee balance of thirty four thousand, six hundred dollars (\$80,000.00 - \$400.00 application fee = \$79,600.00 ), payable to **Treasurer, State of Ohio**. Please send the required payments to:

Ohio Environmental Protection Agency  
Permit to Install Fee  
Dept L-2711  
Columbus, OH 43260-2711

Payment of the \$79,600.00 fee within 30 days is a requirement of ORC Sections 3745.11 (Q) and (V). Failure to timely submit the required permit fee will result in an assessment of late penalties.

Carbon Limestone Sanitary Landfill- PTI #02-22816

Page 2

You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Appeals Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed at the following address:

Environmental Review Appeals Commission  
77 South High Street  
17<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions, please contact the Ohio EPA District Office to which you submitted your application.

Sincerely,



Brian Dearth  
Processing and Records Management Unit  
Division of Materials & Waste Management

Enclosures: Permit to Install and Invoice

cc: Jarnal Singh, NEDO, DMWM  
Scott Hester, CO, DMWM  
Allison Giancola, NEDO, DMWM  
Mary Helen Smith, Mahoning County Health Department

# Ohio EPA Invoice/Receipt

Date Printed: February 08, 2013

Revenue ID: 922083

*Please include this Revenue ID with all correspondence.*

Organization ID: 13608

Information: Carbon Limestone Landfill LLC  
8100 S Stateline Rd  
Lowellville, OH 44436-

Due Date:

Amount Due:

Effective Date: February 08, 2013

Revenue Description: DSIWM- Permit to Install (Solid Waste)  
Program Name: Solid Waste Programs  
Reason: Permit to Install Fee Balance

*For some Revenues, Interest and/or Penalties may be charged for late payment.*

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

## Remittance Advice

**Detach Here - Please Return This Portion With Your Payment**

Organization ID: 13608

Information: Carbon Limestone Landfill LLC  
8100 S Stateline Rd  
Lowellville, OH 44436-

Due Date:

Amount Due:

Secondary Type/Id: /

Revenue Type: PTISW

Amount Enclosed: \$ \_\_\_\_\_

**Please write this number on your check. Revenue ID: 922083**  
**Make check or money order payable to "Treasurer, State of Ohio"**

Remit to: Ohio Environmental Protection Agency - OFA  
Department L-2711  
Columbus, OH 43260-2711

**For Ohio EPA use only**

Check ID: \_\_\_\_\_  
Check Date: \_\_\_\_\_  
Check Number: \_\_\_\_\_  
Check Amount: \$ \_\_\_\_\_

13608	Carbon Limestone Landfill LLC	7960000	PTISW	922083
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**OHIO ENVIRONMENTAL PROTECTION AGENCY**  
**PERMIT TO INSTALL**

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Application Number: 02-22816  
Application Received: October 11, 2007  
Permit Fee: \$80,000.00  
Permit Fee Balance: \$79,600.00

Applicant: Carbon Limestone Landfill, LLC  
Address: 8100 South Stateline Road  
City, State, Zip: Lowellville, Ohio 44436

Facility: Carbon Limestone Sanitary Landfill

Location: 8100 South Stateline Road  
Lowellville, Ohio 44436

Permit: Vertical and Lateral Expansion

Issuance Date: FEB 08 2013

Effective Date: FEB 08 2013

OHIO E.P.A.  
FEB - 8 2013  
ENTERED DIRECTOR'S JOURNAL

The above-named entity is hereby issued a permit-to-install (permit) for the above-described source pursuant to Ohio Administrative Code (OAC) Rule 3745-27-02. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed and/or modified in accordance with the plans, specifications, and/or information accompanying the permit application, the above-described source of environmental pollutants will operate in compliance with applicable state and federal laws, rules, and regulations, and does not constitute expressed or implied assurances that, if constructed and/or modified in accordance with those plans, specifications, and/or information accompanying the permit application, the above-described source of environmental pollutants will be granted the necessary operating permits and/or licenses. This permit is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Ohio Environmental Protection Agency

**I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.**

By: 

Date: 02.08.2013

  
\_\_\_\_\_  
Scott J. Nally, Director

## PERMIT SUMMARY

This is a final permit-to-install (PTI Number 02-22816) which authorizes vertical and lateral expansion of the approved limits of waste placement at Carbon Limestone Sanitary Landfill (Facility), an existing municipal solid waste landfill located at 8100 South Stateline Road, Lowellville, Ohio 44436 in Mahoning County. Carbon Limestone Landfill, LLC is the operator, landowner, and the PTI applicant. PTI Number 02-22816 was received on October 11, 2007, with the most recent revision received on April 9, 2012.

The Facility is currently being operated under Permit to Install (PTI) #02-4365 issued on May 29, 1992 and a PTI modification for a vertical expansion issued on October 17, 1997. The current permitted limits of waste placement encompass approximately 610 acres, including five noncontiguous units: Phase I, II, III, IV-A, and IV-B. Phase I is an unlined unit consisting of 180 acres and is currently capped. Phase II and III are the current active units of operation. Phase II is fully filled and partially capped. Phase III is partially filled. Phase IV-A and IV-B are unconstructed.

This permit authorizes an expansion vertically and laterally over Phases II and III, creating one contiguous unit. The limits of solid waste placement are expanded laterally south of the existing Phase III, and over Road "A" (between Phase II and III), and vertically above Phase II and III. This will increase the acreage of the approved disposal area by 73 acres to 683 acres, and increase the approved disposal capacity by 47 million cubic yards to 104 million cubic yards. The life of the Facility is calculated to be 20.7 years at the authorized maximum daily waste receipt of 11,000 tons and 47.2 years at the anticipated average daily waste receipt of 4,200 tons.

Portions of the existing Facility, the proposed expansion, and the unconstructed portions of the Facility are designed/constructed with a composite liner system (recompacted clay, geosynthetic clay liner, geomembrane liner), a leachate collection system, a surface water management system, a ground water monitoring system, an explosive gas monitoring system, an explosive gas extraction system, and a composite final closure cap system. The permit incorporates 30 years of post-closure care and financial assurance for closure and post-closure care.

Leachate is currently collected by the composite liner/leachate collection system which directs leachate to sumps. The leachate is then pumped through the forcemain line to the leachate holding tank which discharges directly to the City of Lowellville WWTP.

A gas extraction system exists for the Facility and is designed to draw the gas by extraction wells to be incinerated or used for electricity production. The gas collection system has been updated in this permit for all phases of the landfill to meet NSPS requirements.

This permit grants Carbon Limestone Landfill, LLC three exemptions: from OAC Rule 3745-27-07(H)(2)(b), which prohibits the facility from being located in a limestone quarry or sandstone quarry; from OAC Rule 3745-27-08(D)(4) which requires that permanent ground water control structures adequately control ground water infiltration through the use of non-mechanical means and that no permanent ground water control structures be used to dewater an aquifer system, except if the recharge and discharge zones of the aquifer system are located entirely within the boundary of the sanitary landfill facility; and from OAC Rule 3745-27-08(D)(16)(b), which requires that any leachate conveyance apparatus located outside of the limits of solid waste placement be double-cased with a witness zone. Carbon Limestone Landfill, LLC also requested an exemption from OAC Rule 3745-27-07(H)(2)(e), which requires that the isolation distance between the uppermost aquifer system and the bottom of the recompacted soil liner of a sanitary landfill facility is not less than fifteen feet of in-situ or added geologic material. However, this exemption was previously granted on March 29, 1992 and remains in effect.

This summary is provided solely for informational purposes and does not constitute a part of, or otherwise affect, the attached permit.

### **PERMIT CONDITIONS**

1. The Facility's AMDWR remains 11,000 tons, as established in PTI Number 02-22451, issued on December 22, 2008.
2. The Director of the Ohio Environmental Protection Agency (Director), or an authorized representative, may enter upon the premises of the above-named applicant (permittee) at any reasonable time during construction and operation for the purpose of making inspections, conducting tests, or examining records or reports pertaining to the construction, modification, or installation of the above-described source of environmental pollutants (municipal solid waste disposal facility).
3. The Facility shall be constructed in strict accordance with the plans, specifications, and information submitted to Ohio EPA which constitute this permit. There shall be no deviation from the approved permit or permit conditions without the express, written approval of the Ohio Environmental Protection Agency (Ohio EPA). Any deviation from the approved permit or the permit conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the Facility will operate in compliance with all Ohio laws and regulations. Additional landfill components shall be installed upon orders of Ohio EPA if the Facility is inadequate or cannot meet applicable standards.

4. Issuance of this permit does not relieve the permittee of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
5. This permit shall apply only to those facilities shown on the plans, specifications, and information submitted as part of PTI Application Number 02-22816, received October 11, 2007 and revised through April 9, 2012. This permit supersedes existing PTI Number 02-4365 and PTI Number 02-10937.
6. This permit may be modified, or alternatively revoked and reissued, to comply with any revisions to OAC Chapter 3745-27 applicable to this municipal solid waste disposal facility.
7. The permittee shall provide for the proper maintenance and operation of the Facility in accordance with the provisions of OAC Chapter 3745-27.
8. The permittee shall implement the ground water monitoring program contained in this permit, in accordance with OAC Rule 3745-27-10, immediately upon the effective date of this permit. Implementation is defined as the collection of ground water samples from the ground water monitoring system.
9. The permittee shall ensure that all proposed wells are installed and sampling has been initiated prior to waste placement in each sequenced phase of the landfill.
10. The permittee shall, as soon as possible, but not later than one year from the date of installation of all proposed and replacement monitoring wells, sample and statistically analyze the ground water analysis data from these wells in accordance with OAC Rules 3745-27-10(C) and (D).
11. Not later than three (3) years after the effective date of this permit, the permittee shall complete construction of the passive drainage system (PDS), including installation of the slurry wall, collector trench, wetland treatment system, and sedimentation ponds, cease the quarry pond dewatering operations, and submit a certification report in accordance with OAC Rule 3745-27-08(H) for the construction of the PDS.
12. Nothing in this permit shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This permit shall not be interpreted to release the permittee from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

13. This permit does not authorize the acceptance of any hazardous or infectious wastes, except those excluded from hazardous waste or infectious waste regulation by ORC Chapter 3734.
14. This permit does not authorize the acceptance of any asbestos or asbestos containing waste material that is subject to the provisions of NESHAP, 40 CFR Part 61, Subpart M. No such asbestos or asbestos-containing waste material may be accepted without first obtaining the necessary permits from Ohio EPA.
15. Not later than seven (7) days prior to starting any construction authorized under this permit, the permittee shall submit to Ohio EPA, Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) and Mahoning County District Board of Health written notification of the anticipated construction start date so that construction of the Facility can be routinely inspected by Ohio EPA, DMWM, NEDO and Mahoning County District Board of Health.
16. The permittee shall perform the following activities during construction and operation of the Facility in accordance with the cited provisions of OAC Chapter 3745-27 as follows:
  - a. The pre-construction tests required by OAC Rule 3745-27-08(D) shall be performed and the test results submitted to Ohio EPA, DMWM, NEDO not later than seven (7) days prior to the intended use of the materials in construction.
  - b. The pre-construction interface tests required by OAC Rule 3745-27-08(G) shall be performed and the test results submitted to Ohio EPA, DMWM, NEDO not later than seven (7) days prior to the use of each geosynthetic material authorized by this permit.
  - c. The construction certification report required by OAC Rule 3745-27-08(H) shall be submitted to Ohio EPA, DMWM, NEDO and the Mahoning County District Board of Health not later than 45 days prior to the anticipated date of waste receipt in any newly constructed areas. Pursuant to OAC Rule 3745-27-19(C)(1), the permittee shall not accept waste in a phase until Ohio EPA, DMWM, NEDO provides written concurrence of the construction certification report for that phase.
17. The permittee shall provide for the following inspections and facility maintenance:
  - a. The permittee shall provide for daily inspection of the Facility and completion of the Municipal Solid Waste Landfill Daily Log of Operations, Form 3. Written results of the inspections, including any corrective actions

taken, shall be made available to Ohio EPA or the Mahoning County District Board of Health upon request.

- b. Surface water control structures, including, sedimentation ponds, sedimentation pond discharge structures, constructed wetlands, the passive drainage system, pipes, ditches, and culverts, shall be inspected at least monthly for erosion, clogging, or failure and prompt corrective action shall be taken if necessary. Written results of the inspections, including a discussion of any corrective actions taken, any water quality samples taken, and the date and weather conditions, shall be recorded on the required daily log forms. The information shall be maintained on site and submitted to Ohio EPA, DMWM, NEDO and the Mahoning County District Board of Health, upon request.
        - c. To ensure proper operation of the sedimentation pond(s), the pond(s) shall be cleaned out as necessary when the volume of the settled particles necessitates cleaning based on inspection results or to maintain the storage volume required by OAC Rule 3745-27-08(D)(3)
18. Prior to commencement of construction or any other activities authorized by this permit, the permittee shall execute and fund a new financial assurance instrument or increase the amount listed on the existing financial assurance instrument in accordance with OAC Rules 3745-27-15, 3745-27-16, and 3745-27-17 for the current cost estimates of the Facility, including the costs for the newly authorized disposal area and passive drainage system.
19. Not later than three (3) years after the effective date of this permit, the owner/operator shall submit the certification report required by Condition Number 11 in accordance with OAC Rule 3745-27-08(H), which demonstrates that the construction has been completed in accordance with the permit; or, the owner/operator shall immediately cease acceptance of waste and commence closure of the Facility in accordance with OAC Rule 3745-27-11.
20. During the course of and regarding any solidification activities or operations at the Facility, the permittee shall ensure the following:
  - a. That state solid waste fees are paid on the combined weight of the bulk liquid and solidification agent.
  - b. That liquid waste is received solely from pre-screened customers.
  - c. That current OAC Rule 3745-52-11 documentation is maintained on-site and available for inspection by Ohio EPA. This information shall be updated, at a minimum, on a yearly basis.

- d. That materials used as solidification agents are non-hazardous waste, are compatible with the liquid waste, and can result in a mixture that meets the definition of "solid waste."
- e. That the solidification basin areas and solidification agent staging areas are bermed to control run-off and run-on.
- f. That liquid which comes in contact with staged solidification agent is properly contained and managed as leachate.
- g. That bulk liquids are not stored in the solidification basins. Bulk liquids shall be mixed, removed, and disposed in the landfill the same business day.
- h. That storage of solidification agents occurs near the solidification basins, that the staging is in compliance with all applicable rules and regulations, and that storage and staging do not create a nuisance.
- i. That the mixing basin is moved, or removed from the landfill completely, if the unit interferes with the landfill operation or phasing.
- j. That each load removed from the basin after mixing meets the definition of "solid waste" as specified in OAC Rule 3745-27-01(S)(23). At a minimum, the permittee must visually inspect every mixed load. Any loads which release liquid must be re-mixed with additional solidification agent or be tested in accordance with method 9095 (paint filter liquids test) in SW-846.
- k. That a separate daily log, in addition to the standard daily log of operations required by OAC Rule 3745-27-19(E)(10), is maintained that lists the following information: date, the generator of liquid waste and solidification agent (if the agent meets the definition of a "solid waste"), description of the liquid wastes and solidification agents received, quantity of both the liquid waste and solidification agent used for each mix, and documentation to ensure compliance with Condition Numbers 20.i. and 20.m. of this permit.
- l. That the permittee shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material (TENORM), as defined in OAC Rule 3701:1-43-01, associated with drilling operations without first obtaining representative analytical results to determine concentrations of radium-226 and radium-228 present in the material.

- m. That the permittee shall not accept for disposal any TENORM material if that material contains or is contaminated with radium-226 and radium-228, or any combination of radium-226 and radium-228, at concentrations greater than or equal to 5 picocuries per gram above natural background, as natural background has been established by the Ohio Department of Health.
- n. That the permittee shall not accept for disposal hazardous waste as defined in section 3734.01 of the Revised Code.
- o. That the permittee shall not accept for disposal brine as defined in section 1509.01 of the Revised Code.
- p. That the permittee shall not accept for disposal any bulk liquid wastes that increase the potential for a landfill fire.

#### **END OF PERMIT CONDITIONS**

#### **EXEMPTIONS**

Pursuant to ORC Section 3734.02 (G), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a registration certificate, permit, or license or comply with other requirements of ORC Chapter 3734.

#### **ORC Section 3734.02(G) Exemption from OAC Rule 3745-27-07(H)(2)(b)**

The permittee has requested an exemption from OAC Rule 3745-27-07(H)(2)(b), which prohibits a sanitary landfill facility from being located in a limestone quarry or sandstone quarry. Under the definition of sanitary landfill facility, the delineated facility boundary is required to encompass all of the waste disposal units, areas within 300 feet of the limits of waste placement, and ancillary facilities such as buildings, surface water and sedimentation control structures, ground water monitoring and control structures, explosive gas monitoring, control, and extraction structures, and leachate management system structures. The delineated Facility boundary encompasses significant area, some up to 2,400 feet from the existing or proposed limits of waste placement. The existing landfill and proposed expansion are located in an area that was previously strip mined for the Middle and Lower Kittanning coals, and then quarried for the Vanport Limestone. While there are areas within the delineated Facility boundary that are

located within a limestone quarry, none of the existing or proposed waste placement areas or other potential sources of landfill contamination, such as leachate or explosive gas management structures, are located within a limestone quarry.

Because the existing and proposed waste placement areas and other potential sources of landfill contamination, such as leachate and explosive gas management structures, are not located within the limestone quarry, granting an exemption from the requirement of OAC Rule 3745-27-07(H)(2)(b), which prohibits a sanitary landfill facility from being located in a limestone quarry, is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G), the permittee is hereby exempted from the requirement of OAC Rule 3745-27-07(H)(2)(b). This exemption shall remain in effect throughout the effective period of this permit unless otherwise revoked.

#### **ORC Section 3734.02(G) Exemption from OAC Rule 3745-27-08(D)(4)**

The permittee has requested an exemption from OAC Rule 3745-27-08(D)(4), which requires, in part, that permanent ground water control structures adequately control ground water infiltration through the use of non-mechanical means.

Quarrying operations on undeveloped portions of the Facility have, for decades, relied upon dewatering of the limestone by mechanical pumping. In early 2010, the quarrying company ceased operations and the permittee took over the dewatering operations. Because the dewatering operations use mechanical means to dewater the uppermost aquifer system, the requirements of OAC Rule 3745-27-08(D)(4) are not met, and an exemption is necessary. The permit requires that, not later than three years after its effective date, the PDS will be constructed. The PDS is designed to collect surface water and ground water by non-mechanical means using a slurry wall, a collector trench, a wetland treatment system, and sedimentation ponds. Upon completion of the PDS, the requirement of OAC Rule 3745-27-08(D)(4) that permanent ground water control structures control ground water infiltration through only non-mechanical means will be met.

Additionally, OAC Rule 3745-27-08(D)(4) requires that no permanent ground water control structures be used to dewater an aquifer system, except if the recharge and discharge zones of the aquifer system are located entirely within the boundary of the sanitary landfill facility.

The recharge and discharge zones of the uppermost aquifer system are not located entirely within the boundary of the sanitary landfill facility. However, historical pumping operations at the site have been ongoing for such a long period of time that the limited impacts to the aquifer from the pumping are well known. In those limited areas where impacts have occurred, they have been addressed through extension of public water

service or drilling of deeper wells. Temporary continuation of pumping and subsequent construction of the PDS should result in maintaining the current limited impact to the aquifer system. Further, the ongoing pumping operations have resulted in the landfill being hydraulically controlled and isolated from its surroundings. After its construction, the PDS will maintain the hydraulic control and isolation such that off-site users should not be affected by any potential ground water contamination from the Facility.

For the reasons noted above, granting an exemption from the requirements of OAC Rule 3745-27-08(D)(4), which requires that permanent ground water control structures adequately control ground water infiltration through the use of non-mechanical means and that no permanent ground water control structures be used to dewater an aquifer system, except if the recharge and discharge zones of the aquifer system are located entirely within the boundary of the sanitary landfill facility, is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G), the permittee is hereby exempted from the requirements of OAC Rule 3745-27-08(D)(4). This exemption shall remain in effect throughout the effective period of this permit unless otherwise revoked.

**ORC 3734.02(G) Exemption from OAC Rule 3745-27-08(D)(16)(b)**

The permittee has requested an exemption from OAC Rule 3745-27-08(D)(16)(b), which requires that any leachate conveyance apparatus located outside of the limits of solid waste placement be double-cased with a witness zone.

The permittee proposes to install a leachate forcemain outside the limits of waste placement, but within the perimeter of the structural berm surrounding the limits of waste placement and underlain by the composite liner system which extends up the internal slope of the structural berm. The forcemain will be double-cased with a witness zone once it leaves the area underlain by the composite liner system.

For the reasons noted above, granting an exemption from the requirement of OAC Rule 3745-27-08(D)(16), which requires that any leachate conveyance apparatus located outside of the limits of solid waste placement be double-cased with a witness zone, is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G), the permittee is hereby exempted from the requirement of OAC Rule 3745-27-08(D)(16). This exemption shall remain in effect throughout the effective period of this permit unless otherwise revoked.

**ORC Section 3734.02(G) Exemption from OAC Rule 3745-27-07(H)(2)(e)**

The permittee has requested an exemption from OAC Rule 3745-27-07(H)(2)(e), which requires that the isolation distance between the uppermost aquifer system and the

bottom of the recompacted soil liner of a sanitary landfill facility is not less than fifteen feet of in-situ or added geologic material constructed in accordance with OAC Rule 3745-27-08. The Facility is currently, and is proposed to continue to be, constructed within mine spoil, which constitutes part of the uppermost aquifer system.

On May 29, 1992, an exemption from this siting prohibition was granted, pursuant to ORC Section 3734.02(G). This exemption remains in effect and re-issuance of this exemption is not necessary.