

OHIO ENVIRONMENTAL PROTECTION AGENCY

PERMIT-TO-INSTALL

OHIO E.P.A.
JUL 31 2003
1 ENVIRONMENTAL PROTECTION AGENCY

Application Number: PTI # 03-9614
Application Received: March 1, 1996
Permit Fee: \$80,000.00
Permit Fee Balance: \$79,600.00

Applicant: Lafarge North America
Address: 11435 Road 176, P.O. Box 160
City, State, Zip: Paulding, Ohio 45879

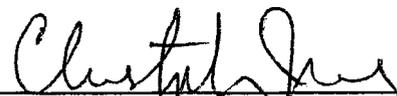
Name: Lafarge North America
Location: Sections 26 and 27 of Crane Township, north of County Road 176 and west of County Road 105
PTI: Lateral and Vertical Expansion

Issuance Date: JUL 31 2003

Effective Date: JUL 31 2003

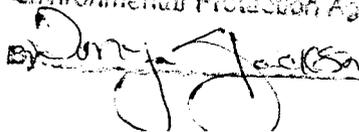
The above named entity is hereby issued a permit approval (permit-to-install) for the above described source pursuant to Chapter 3745-31 of the Ohio Administrative Code (OAC). Issuance of this permit approval (permit-to-install) does not constitute expressed or implied approval or agreement that, if 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 approval (permit-to-install) is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Ohio Environmental Protection Agency



Christopher Jones, Director

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

 Date 7/31/03

PERMIT SUMMARY

This permit approval (PTI Number 03-9614) is a **FINAL** authorization to expand Lafarge North America's (Lafarge's) approved limits of waste placement at the captive Class III residual solid waste landfill adjacent to their cement manufacturing plant in Paulding County, Ohio. Specifically, the permit application proposes a 115-acre lateral and vertical expansion of the existing facility adding approximately 14.3 million cubic yards of capacity.

Lafarge manufactures cement utilizing a kiln fueled by coal, flammable liquid hazardous waste provided by Systech Environmental Corporation, located adjacent to the plant, and other materials. The existing facility is established in a limestone quarry. The site contains at least three other distinct areas where cement kiln dust (CKD) has been historically disposed, including a closed area containing miscellaneous plant derived waste. The areas of vertical and lateral expansion will include a recompacted soil liner and leachate collection system, a surface water management system, a ground water monitoring system, and a recompacted soil cap. Due to the nature of the waste, an explosive gas monitoring system is not necessary. This permit approval includes financial assurance for closure and 15 years of post-closure care.

This permit approval also includes a "deemed acceptable" authorization from the Director from the prohibition in OAC Rule 3745-30-06(B)(2), which states that "the residual waste landfill facility cannot be located in a limestone quarry or sandstone quarry."

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

PERMIT CONDITIONS

1. The 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 (residual solid waste disposal facility).
2. The proposed source shall be constructed in strict accordance with the plans, specifications, and information submitted as part of the application for this permit to the director. There may be no deviation from the approved plans without the express, written approval of the Ohio Environmental Protection Agency (Ohio EPA). Any deviation from the approved plans 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 proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of Ohio EPA if the proposed solid waste disposal facility is inadequate or cannot meet applicable standards.

3. Issuance of this permit approval does not relieve the applicant of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
4. In accordance with OAC Rule 3745-31-06(A), this permit approval shall terminate 18 months after its effective date if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation or modification. In accordance with OAC Rule 3745-31-06(C), this deadline may be extended by up to 12 months if application is made to the director no less than 60 days prior to the expiration of the 18-month period and the party shows just cause for any such extension.
5. This approval shall apply only to the facility shown on the plans submitted as part of PTI Application Number 03-9614, originally received on March 1, 1996, with subsequent revisions and addendum dated or received on February 24, 2000, July 27, 2000, December 13, 2001, April 8, 2003, and April 17, 2003.
6. This permit may be modified, or alternatively revoked and reissued, to comply with any revisions to OAC Chapters 3745-27, 3745-30, and 3745-31 applicable to this residual solid waste disposal facility.
7. The permittee shall provide for the proper maintenance and operation of the residual solid waste disposal facility in accordance with the provisions of OAC Chapter 3745-30.
8. Nothing in this permit approval shall be interpreted to release the permittee from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code (ORC); 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 laws for remedying conditions resulting from any release of contaminants to the environment.
9. Wastes other than those as defined in OAC Rule 3745-30-01(B)(7) are specifically prohibited from disposal at this facility.
10. All construction, operation, closure, and post closure at the facility shall be governed by the quality assurance/quality control plan contained in Attachment 5 of the PTI

Addendum dated April 17, 2003, unless written authorization from Ohio EPA, Northwest District Office (NWDO) provides for an acceptable alternative.

11. Ohio EPA, NWDO shall be notified in writing of the construction starting date prior to the start of construction on each of the facility's phases so that construction of this facility can be routinely inspected by Ohio EPA, NWDO before the phases are placed in operation.
12. The permittee shall perform the following activities during placement of added geologic material in Phases 5, 8, and 11 at elevations above 695 MSL:
 - a. Ohio EPA, NWDO shall be notified once placement of added geologic material reaches 695 MSL and shall have reasonable opportunity to visually examine all in-situ areas adjacent to the phase above 695 MSL. Ohio EPA may require grain size distribution tests or other objective information of in-situ materials to be left in place. The testing will ensure that all coarse grained material in accordance with the Unified Soil Classification System (USCS) has been identified and will be separated from the bottom of recompacted clay by 5 feet of added geologic material.
 - b. Ohio EPA, NWDO shall be notified of any sand, gravel, or other permeable seam or pocket encountered in the in-situ material that will be adjacent to any waste or engineered component prior to placement of recompacted liner. This information shall be included in the construction certification report for the associated phase.
13. The permittee shall perform the following activities during construction and operation of the facility in accordance with the cited provisions of OAC Chapter 3745-30:
 - a. Any test pad required by OAC Rule 3745-30-07(F) shall be constructed and a report containing the test results shall be submitted to Ohio EPA, NWDO no later than 14 days prior to the initial construction date of the landfill component which the test pad models;
 - b. The earthen material tests required by OAC Rule 3745-30-07(D) shall be performed and the results submitted to Ohio EPA, NWDO no later than 7 days prior to the intended use of the material in construction; and
 - c. The construction certification report required by OAC Rule 3745-30-07(B) shall be submitted to Ohio EPA, NWDO no later than 45 days prior to the anticipated date of waste receipt in the newly constructed phases.

14. The permittee shall provide for the following inspections and facility maintenance:
 - a. The permittee shall provide for daily inspection of the disposal facility and completion of the Residual Waste Landfill Daily Log of Operations - Form 3. Written results of the inspections, including any corrective measures employed, shall be made available to Ohio EPA, NWDO upon request;
 - b. Surface water and ground water control structures, including sedimentation ponds, sedimentation pond discharge structures, pipes, pumps, ditches, and culverts, shall be inspected at least monthly for erosion, clogging, sediment buildup, or failure, and prompt corrective action shall be taken as necessary. A log including inspection results, corrective measures, and the date and weather conditions during any water quality sampling shall be maintained and submitted to Ohio EPA, NWDO upon request;
 - c. At least annually, the permittee shall evaluate the necessity for a sedimentation/flood control pond. This evaluation shall be based on the ability for the adjacent quarry to continue to effectively protect waters of the state from excessive sediment load and flooding based on the criteria contained in OAC Chapter 3745-30. This evaluation shall be included in the annual operational report required by OAC Rule ~~3745-30-14(HH)~~. Should it be determined by the permittee a sedimentation/flood control pond is necessary, the permittee shall submit the appropriate authorization request which includes detailed narrative and plan drawings depicting a sedimentation/flood control pond and any other necessary changes; and
 - d. The leachate collection system shall be inspected as required under the LCS Operations Plan, Attachment 4 of the PTI Addendum dated April 17, 2003. Written results of the inspections shall be made available to Ohio EPA, NWDO upon request. The permittee shall ensure that the leachate in each sump is less than 12 inches above the recompacted soil liner adjacent to the top edge of the sump areas.
15. Not later than 180 days prior to the anticipated closure date of the facility, all areas of horizontal and vertical waste placement at the facility, including any areas where any solid waste including CKD has ever been historically disposed, shall be delineated on one or more plan drawings, at a scale consistent with those in this permit, and submitted to Ohio EPA, NWDO.
16. The permittee shall execute a financial assurance instrument meeting the requirements of OAC Rule 3745-30-11(A)(3)(c), and fund said instrument no later than 30 days after final issuance of this permit. This instrument shall meet the requirements of OAC Rules 3745-30-11 and 3745-30-13.

17. Not later than 30 days after the effective date of this permit approval, the permittee shall submit to Ohio EPA revisions to the ground water monitoring plan (Appendix I of the permit application). These revisions include the following narrative and specifications:
 - a. The first bedrock unit and the associated overlying sand and gravels shall be identified as the uppermost aquifer system;
 - b. A staff gauge shall be included for measuring the water level in the northeast pond;
 - c. Piezometers P-1001, P-1002, and P-1003 shall be included to monitor ground water levels in accordance with OAC Rules 3745-30-08(C)(2) and (C)(8) and the results shall be evaluated in accordance with OAC Rule 3745-30-08(B)(5); and
 - d. Sampling and analysis of ground water monitoring well MW-101 shall continue on a semiannual basis.

18. Pursuant to ORC Sections 3745.11(Q) and (V), payment of the solid waste permit-to-install fee balance, in the amount of \$79,600.00 payable to "Treasurer, State of Ohio", shall be submitted to Ohio EPA, Attn: Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049. The fee balance shall be submitted within 30 days of the effective date of this permit approval. Failure to timely submit the required permit fee balance will result in assessment of late penalties in accordance with ORC Sections 3745.11(Q) and (V).

END OF PERMIT CONDITIONS

OAC Rule 3745-30-06(B)(2) and "Deemed Acceptable"

OAC Rule 3745-30-06 states: "(B)...the Director shall not approve the permit to install unless he determines that: (2) the residual waste landfill facility is not located in a limestone quarry or sandstone quarry, unless deemed acceptable by the director."

The proposed facility is located in a limestone quarry.

Based on the hydrogeologic and other information submitted as part of the permit to install application, and the design of the facility as set forth in the permit to install application, locating the landfill in the limestone quarry is unlikely to adversely affect the public health or safety or the environment.

Locating the facility in a limestone quarry, as proposed in the PTI application, is hereby deemed acceptable.

**RESPONSE TO COMMENTS RECEIVED REGARDING
THE DRAFT PERMIT TO INSTALL NO. 03-9614
FOR THE LAFARGE NORTH AMERICA RESIDUAL LANDFILL
EXPANSION ISSUED ON JULY XX, 2003**

This responsiveness summary specifically addresses comments received from Lafarge North America (Lafarge). No comments were received at the public hearing held on June 24, 2003 regarding this matter, nor during the public comment period.

Each comment is shown below in normal text; with the Ohio EPA response in italics.

1. Lafarge requests Ohio EPA to identify the "Applicant" as Lafarge North America instead of Lafarge Corporation.

Lafarge Corporation will be changed to Lafarge North America in the permit.

2. Historically, Lafarge and Ohio EPA have disagreed on a number of key issues relating to their current landfill permit. One area of disagreement is Ohio EPA's recent interpretation of Lafarge's permitted space, i.e. vertical and horizontal expansion. This has been the topic of three NOV's issued by Ohio EPA. Lafarge has submitted responses to each NOV and has not received any formal response in return. Lafarge asserts that Ohio EPA's new interpretation of the limits of waste is erroneous and does not conform to Ohio law. Ohio EPA has verbally agreed to resolve the NOV's through the issuance of this new permit-to-install.

Ohio EPA will be issuing this permit as a vertical and horizontal expansion. The new permit will clearly define CKD disposal limits. The Permit does not resolve the outstanding NOV's. However, by issuing the permit, Ohio EPA has determined that Lafarge is in substantial compliance and it is not Ohio EPA's practice to take enforcement against facilities that are in substantial compliance. Ohio EPA is exercising enforcement discretion in choosing not to pursue these violations.

3. In addition to coal and flammable liquid hazardous wastes, Lafarge is also permitted by Ohio EPA to burn coke, diesel, natural gas, and non-hazardous fuel quality wastes (FQW). Furthermore, Lafarge's hazardous FQW program consists of both liquid and solid materials.

The fuels mentioned in the permit summary are for informational purposes only and are not permit conditions.

4. During discussions between Lafarge and Ohio EPA, both parties agreed that existing portions of Phase 2, which already has a constructed clay liner, are exempt from the leachate collection system (LCS) requirements of this new permit. Furthermore, those areas already constructed will continue to operate to the permitted limits of waste placement after this permit renewal is issued.

The issuance of this expansion permit will govern operations and future construction at the site. Portions of Phase 2 that have already been constructed are allowed to operate to the newly permitted limits of waste placement.

5. Condition 4. As noted above, Lafarge has existing waste disposal space in Phase 2 that is exempt from the LCS conditions of this new permit. Lafarge designed the existing space to contain at least 24 months of CKD as determined using 2001 disposal rates. Lafarge is actively reducing, reusing and recycling CKD at ever increasing rates in an effort to minimize CKD being wasted. As such, the 24-month design capacity of the already constructed Phase 2 cell may be active beyond 24 months. Therefore, Lafarge requests a 12-month extension to the 18-month time limit for installation or modification.

OAC Rule 3745-37-06(A) is applicable to all permitted facilities. Ohio EPA cannot act on this request now because it is not possible to determine whether the party has shown just cause for any such extension. Ohio EPA can only evaluate such a request immediately before the 78-months is set to expire, in order to evaluate the facts that exist at that time.

6. Condition 6. Lafarge and Ohio EPA have been actively negotiating this landfill permit since 1996. The process has been a long and expensive journey for Lafarge. Lafarge requests that Ohio EPA refrain from modifying or revoking this permit to be compatible with revisions to Ohio Administrative Code and allow the permit to remain in effect for its projected 10 year life.

This condition is standard for new permits. This permit will remain in effect until a modification or alteration is submitted.

7. Condition 14.d. Lafarge requests that the last sentence in this condition be modified to read as follows: "The permittee shall ensure that the leachate in each sump is less than 12 inches above the recompacted soil liner adjacent to the top edge of sump areas." The LCS Plan submitted in the PTI Addendum indicates the minimum liquid depth in the sump to trigger pumping is 24 inches, not a maximum liquid depth of 12 inches as implied by this condition. The LCS Plan also indicates the goal is to maintain less than a foot of liquid on top of the liner system, which is consistent with OAC 3745-30-07(C)(3)(b).

The condition has been modified to reflect the intent of this comment.

8. Condition 15. Current regulations require the ground water surface data to be evaluated annually to satisfy OAC Rule 3745-30-08(B). Lafarge requests this condition be revised to change the proposed semi-annual requirement to annual to be consistent with current regulations.

Lafarge has been voluntarily submitting groundwater surface data to Ohio EPA on a semi-annual basis. As pending groundwater rules will require this submission schedule, this condition is no longer necessary.