

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korfeski, Director

OHIO E.P.A.

OCT 28 2010

ENTERED DIRECTOR'S JOURNAL

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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.

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

By Jane Kasserer Date: 10-28-10

**RE: BFIO CLD/LEWIS LANDFILL, MAHONING COUNTY
OHIO ADMINISTRATIVE CODE (OAC) RULE 3745-27-10(D)(7)(c)(ii) APPROVAL**

Dear Mr. Heher:

On September 13, 2010, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a document titled "OAC Rule 3745-27-10(D)(7)(c)(ii) Demonstration Report for Detection Monitoring Wells MW-2R, MW-8D, MW-110C and MW-6DR May 2010 Monitoring Event SSIs," dated September 9, 2010, for the County Land Development Landfill LLC (Facility) located in Mahoning County. This document contains the ground water sampling results and the statistical analysis from the May 24 and 27, 2010 ground water sampling event at the Facility.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant changes were detected: chloride in monitoring wells MW-2R, MW-8D and MW-110C; chloride, potassium and sodium in monitoring well MW-6DR.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator may demonstrate that a source other than the sanitary landfill facility caused the contamination, or that the statistically significant change resulted from error in sampling, analysis, or statistical evaluation or natural variation in ground water quality. A report documenting this demonstration must be submitted to and approved by Ohio EPA. If the owner or operator does not obtain approval to continue detection monitoring within two hundred ten (210) days from initial sampling, the owner or operator is required to comply with the provisions of OAC Rule 3745-27-10(E) for ground water quality assessment monitoring.

The September 9, 2010 document concluded that the statistically significant changes for chloride in monitoring wells MW-2R, MW-8D and MW-110C, and chloride, potassium and sodium in monitoring well MW-6DR, were due to natural variation in ground water quality, and not as a result of impact from the landfill. Monitoring wells MW-2R, MW-8D and MW-110C were initially sampled on May 27, 2010. Monitoring well MW-6DR was initially sampled on May 24, 2010.

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Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the September 9, 2010 document for chloride in monitoring wells MW-2R, MW-8D and MW-110C. Ohio EPA does not concur with the demonstration in the September 9, 2010 document for chloride, potassium and sodium in monitoring well MW-6DR. Therefore, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator is hereby authorized to continue the detection monitoring program at the Facility for only monitoring wells MW-2R, MW-8D and MW-110C.

Should future or existing ground water sampling results indicate statistically significant changes in ground water monitoring parameters, the owner or operator will be required to either enter into assessment monitoring in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program.

You are hereby notified that this action of the 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. The appeal must be filed with the 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 "Ohio Treasurer Kevin Boyce," which the Commission, in its discretion, may reduce if by affidavit you demonstrate 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 with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

If you have any questions concerning this letter, please contact Katharina Snyder of Ohio EPA, NEDO at (330) 933-1257.

Sincerely,



William Skowronski
Chief, Northeast District Office
for Chris Korleski
Director, Ohio EPA

WS/CK/KS/cl

cc: Lynn Sowers, DSIWM-NEDO
Scott Hester, DSIWM-CO
Mary Helen Smith, Mahoning County Health Department