

**Environmental
Protection Agency**

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

OHIO E.P.A.

DEC 30 2010

ENTERED BY: [unclear] 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

 Date: 12.30.2010

**RE: CARBON LIMESTONE LANDFILL LLC, MAHONING COUNTY
OHIO ADMINISTRATIVE CODE (OAC) RULE 3745-27-10(D)(7)(c)(ii) APPROVAL**

Dear Mr. Heher:

On November 1, 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) Alternate Source Demonstration Report for Chloride at Well MW-114A; Chloride at Well MW-115A, Ammonia and Chloride at Well MW-217A; Ammonia at Well P-26A; and Barium at Well MW-205B, Request for Directors Approval," dated October 29, 2010, for the Carbon Limestone Landfill (Facility) located in Mahoning County. This document was submitted by Eagon & Associates, Inc., on behalf of Carbon Limestone Landfill, LLC, and contains the ground water sampling results and the statistical analysis from the June 8, 2010, June 9, 2010, and August 24, 2010 ground water sampling events 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, ammonia, and barium at monitoring wells MW-114A, MW-115A, MW-217A, MW-205B, and P-26A.

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 November 1, 2010 document concluded that the statistically significant changes for chloride, ammonia, and barium at monitoring wells MW-114A, MW-115A, MW-217A, MW-205B, and P-26A were due to natural variation in ground water quality and not as a result of impact from the landfill. Monitoring wells MW-114A and MW-205B were originally sampled on June 8, 2010, while detection wells MW-217A and P-26A were sampled on June 9, 2010, and MW-115A was sampled on August 24, 2010.

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Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the October 29, 2010 document. 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 monitoring wells MW-114A, MW-115A, MW-217A, MW-205B, and P-26A.

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) 963-1257.

Sincerely,



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

WS/CK/KS/cl

cc: Lynn Sowers, DSIWM-NEDO,
Scott Hester, DSWIM-CO
Mary Helen Smith, Mahoning County Health Department
DSIWM #3584