



State of Ohio Environmental Protection Agency

Northeast District Office

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

January 20, 2010

**RE: BFI CLD/LEWIS LANDFILL
GROUND WATER**

Mike Heher
BFIO Carbon Limestone Landfill
8100 South Stateline Road
Lowellville, OH 44436

Dear Mr. Heher:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the following document:

Response to Notice of Violations Dated May 14, 2008 and June 24, 2008 – Documentation of Completed Well Repairs and Submittal of Additional Information – dated September 8, 2009.

The document is dated September 8, 2008. It was received on September 10, 2009. Silbaugh Hydrogeological Services prepared the document on behalf of County Land Development Landfill, LLC (CLD).

The document includes Table 1 – summary of well repairs completed on wells MW-5DA, MW-5R, P-13A, P-13B, P-28A, P-2B, P-2C, P-3A, P-3B, and P-7A and Attachment A – photographic documentation of the repairs.

Ohio EPA has the following comments regarding the responses:

Response to Notice of Violation dated May 14, 2009

1. The owner/operator was in violation of OAC Rule 3745-09-03 for failing to properly repair or abandon monitoring wells that are no longer used as part of routine ground water monitoring activities. The owner/operator has satisfactorily responded to May 14, 2008 NOV No. 1 by identifying, labeling, locking, removing wasp nest and installing new surface pads at P-3A, P-7A and P-28A and is therefore no longer in violation of Rule 3745-09-03.
2. The owner/operator was in violation of OAC Rule 3745-27-10(B)(3) for failing to properly maintain monitoring wells, piezometers, and annular seals to prevent the contamination of ground water. The owner/operator has satisfactorily responded to May 14, 2008 NOV No. 2 by identifying, labeling, locking and installing new surface pad at P-3B and is therefore no longer in violation of rule 3745-27-10(B)(3).

Response to Notice of Violation dated June 24, 2008

1. The owner/operator was in violation of OAC rule 3745-09-03 for failing to properly repair or abandon monitoring wells that are no longer used as part of routine ground water monitoring activities. The owner/operator has satisfactorily responded to June 24, 2008 NOV No. 1 by identifying, labeling, locking, and installing new surface pads at well MW-5DA, P-13B, P-2B and P-2C and is therefore no longer in violation of Rule 3745-09-03.

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2. The owner/operator was in violation of OAC rule 3745-27-10(B)(3) for failing to properly maintain monitoring wells, piezometers, and annular seals to prevent the contamination of ground water. The owner/operator has satisfactorily responded to rgw June 24, 2008 NOV No. 2 by identifying, labeling, locking and installing new surface pads at P-13A and MW-5R and is therefore no longer in violation of rule 3745-27-10(B)(3).
3. The owner/operator was in violation of OAC rule 3745-27-11(A)(1) which requires continuing operation and maintenance of the ground water monitoring system. With the above responses to NOVs Nos. 1 and 2 the owner/operator has satisfactorily responded to June 24, 2008 NOV No. 3 and is no longer in violation of Rule 3745-27-11(A)(1).

Response to June 24, 2008 request for further information

4. The owner/operator satisfactorily responded to the June 24, 2008 request for further information regarding an unmonitored span between MW-2R and MW-15A by redeveloping P13A and P13B, by monitoring P-13B (and by subsequently installing and monitoring new well MW-138A).

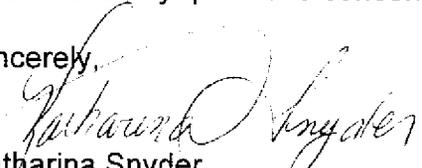
Response to June 24, 2008 comments

5. The owner/operator satisfactorily responded to the June 24, 2008 comments 5, 6 and 7 by labeling and repairing additional wells.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the Entity from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions concerning this letter, please contact me at (330) 963-1257.

Sincerely,


Katharina Snyder
Division of Solid and Infectious Waste Management

KS:cl

cc: Mark Kroenke, DDAGW-NEDO
Dave Silbaugh, Silbaugh Hydrogeological Services
Butch Bradburn
Mary Helen Smith, Mahoning County Health Department
File: Sowers[LAND/CLD/GRO/50] #1545