



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

February 26, 2010

**RE: BFI CLD/LEWIS LANDFILL
GROUND WATER
NOTICE OF VIOLATION**

CERTIFIED MAIL

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 documents:

Background Samples for Wells P-13B and MW-138A
Sample #3 dated March 3, 2009, received March 12, 2009
Sample #4 dated March 20, 2009, received March 24, 2009
Sample #5 dated May 15, 2009, received May 20, 2009
Sample #6 dated July 22, 2009, received July 23, 2009
Sample #7 dated August 20, 2009, received August 24, 2009
Sample #8 dated September 22, 2009, received Sept. 24, 2009

Silbaugh Hydrogeological Services prepared the documents on behalf of County Land Development Landfill, LLC (CLD).

These documents were reviewed for compliance with ORC 3745-27-10. As required by 3745-27-10(C)(10), the data results for samples 3, 4, 5, 6, 7 and 8 were received within 75 days of sampling. Sampling dates are: 1/27/09 (sample 3), 3/5/09 (sample 4), 4/17/09 (sample 5), 6/24/09 (sample 6), 7/23/09 (sample 7), and 8/27/09 (sample 8). Included were paper copies of the data summary table and chain of custody form for each sample. Also included were electronic copies of the field sampling log, laboratory analysis, laboratory case narrative, laboratory holding time report, and laboratory QA/QC for each sample.

Ohio EPA needs additional information to determine compliance with the following:

1. The owner/operator has provided insufficient information to determine compliance with OAC 3745-27-10(C)(10)(c) regarding chain of custody.
 - a. The chain of custody form for background sample #5 is incomplete. The sample was relinquished at 14:00 4/17/09 but was not received at the lab until 8:25 4/18/09. It is unknown who had the sample in the intervening time. The owner/operator should supply this information.

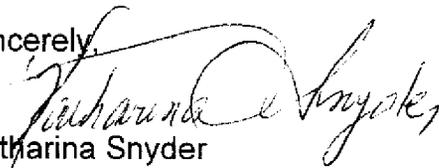
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- b. The chain of custody form for background sample #6 is incomplete. The sample was relinquished at 11:30 6/24/09 but was not received at the lab until 8:30 6/25/09. It is unknown who had the sample in the intervening time. The owner/operator should supply this information.
- c. The chain of custody form for background sample #7 is incomplete. The sample was relinquished at 11:00 7/23/09 but was not received at the lab until 8:20 7/24/09. It is unknown who had the sample in the intervening time. The owner/operator should supply this information.
- d. The chain of custody form for background sample #8 is incomplete. The sample was relinquished at 10:30 8/27/09 but was not received at the lab until 8:35 8/28/09. It is unknown who had the sample in the intervening time. The owner/operator should supply this information.

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: Kathryn Epp, DDAGW-NEDO
Dave Silbaugh, Silbaugh Hydrogeological Services
Butch Bradburn
Mary Helen Smith, Mahoning County Health Department
Dave Fetchko, Mahoning County Health Department
File: Sowers[LAND/CLD/GRO/50]
DSIWM #2379, 2413, 2563, 2713, 2790 and 2830