



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

August 15, 2007

CERTIFIED MAIL

Ms. Elena Goodhall
District Environmental Manager
Allied Waste, Inc.
Lorain County II Landfill Office
43502 Oberlin-Elyria Road
Oberlin, Ohio 44074

**RE: WILLOWCREEK SANITARY LANDFILL
RESPONSE TO OHIO EPA'S MARCH 20, 2007 LETTER
NOTICE OF VIOLATION**

Dear Ms. Goodhall:

The Ohio Environmental Protection Agency (Ohio EPA), Northeast District Office (NEDO) has completed review of the BFI Willowcreek Landfill's Response to Ohio EPA's March 20, 2007 letter. BFI Willowcreek Landfill is located at 1043 State Route 225, Atwater Township, in Portage County, Ohio. The response letter was dated April 18, 2007, and was submitted by Herst & Associates, Inc. on the behalf of Browning-Ferris Industries of Ohio, Inc. and was received by Ohio EPA, NEDO on April 19, 2007.

BFI Willowcreek Landfill closed pursuant to the 1994 revised Municipal Solid Waste regulations, but is required to conduct ground water detection and compliance monitoring in accordance with OAC 3745-27-10(D), and (E) of the revised 2003 Solid and Infectious Waste Regulations. Ohio EPA reviewed the April 18, 2007 response letter for compliance with OAC 3745-27-10(D) and (E) of the revised 2003 Solid and Infectious Waste Regulations and has identified the following violations:

1. The April 18, 2007 response to comments letter states on page two, that, "OAC 3745-27-10 (C)(8) states: *"To determine whether a statistically significant increase or decrease has occurred, the owner or operator shall compare the ground water quality of each parameter or constituent at each downgradient ground water monitoring well to the background value of the parameter..."* Therefore, statistical analysis is apparently not required for upgradient wells, including MW-37S."

Low levels of volatile organic compounds (VOC's) have been reported at ground water monitoring well MW-37S during the October 2006 ground water detection monitoring event. The VOC's appear to be indicative of anthropogenic waste

derived constituents in groundwater at ground water monitoring well MW-37S. While ground water monitoring well MW-37S is reported to be hydraulically up-gradient of the limits of waste placement, it none-the-less appears to be located within the direction of movement of waste derive constituents in ground water.

As such, ground water monitoring well MW-37S no long meets the requirements of OAC 3745-27-10 (B)(1)(a) and can not be designated as an upgradient background well and should be monitored as a ground water assessment monitoring well.

2. The April 18, 2007 response to comments letter also states on page two, that in part, "*concentration of inorganic leachate indicator parameter ammonia, chloride, potassium, and sodium at MW-37s are within the range of concentrations in other upgradient wells, indicate that leachate has not impacted MW-37S.*"

The revised 2003 Solid and Infectious Waste regulation changed from addressing just leachate derived constituents in ground water, to addressing waste-derived constituents in ground water as outlined in OAC 3745-27-10 (A)(1)(b). OAC 3745-27-10 (B)(1) states, in part, that "Applicability: a ground water quality assessment monitoring program which is implemented when there is a statistically significant increase over background of waste-derived constituents within the ground water system determined during detection monitoring unless a demonstration of a false positive is presented under paragraph (D)(7)(c)(i) of this rule or presented and approved under paragraph (D)(7)(c)(ii) of this rule.

The owner/operator is not in compliance with the OAC 3745-27-10 (B)(1)(b) of the revised 2003 Solid and Infectious water regulation because a ground water quality assessment monitoring program has not been implemented for the low levels of VOC's reported at ground water monitoring well MW-37S, which are not naturally occurring, but rather "*waste derived constituents.*"

A ground water quality assessment monitoring program must be implemented for the low levels of VOC's reported at ground water monitoring well MW-37S.

3. OAC 3745-27-10 (D)(5)(a)(iii) of the 2003 revised Solid and Infectious Waste regulations state, in part, that "beginning with receiving the results from the first monitoring event collected pursuant to the paragraph (D)(5)(a)(ii)(b) of this rule and semiannually thereafter by statistically analyzing the results from wells screened in the uppermost aquifer system for the parameters specified in paragraph (D)(5)(a)(I) of this rule."

Ms. Elena Goodhal
Allied Waste, Inc.
August 15, 2007
Page 3

The current site specific ground water detection monitoring plan for BFI Willowcreek Landfill indicates that a verified, non-naturally occurring VOC detected above the laboratory reporting limit will be considered a statistically significant increase (SSI).

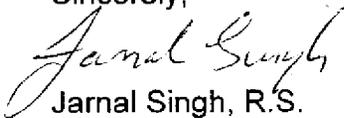
The owner is not in compliance with the OAC 3745-27-10 (D)(5)(a)(iii) of the revised 2003 Solid and Infectious water regulation because the low levels of VOC detected at ground water monitoring well MW-37S were not reported as SSI's.

The owner must report the low levels of VOC detected at monitoring well MW-37S as a statistically significant increase and enter the ground water monitoring well into a ground water assessment monitoring program.

Please submit documentation, within 21 days of your receipt of this letter, identifying that the aforementioned violations have been addressed. If you have any questions concerning the contents of this letter, please contact Jarnal Singh at (330) 963-1276 or Doug Dobransky at (330) 963-1163.

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.

Sincerely,



Jarnal Singh, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

JS: cl

cc: Doug Dobransky, DDAGW-NEDO
DuWayne Porter, Portage County Health Department
Danielle Axson, Allied Waste, Inc, Oberlin, OH 44074
File [Sowers/LAND/Willowcreek/GRO/67]