

**Environmental
Protection Agency**

Bob Taft, Governor
Lee Fisher, Lt. Governor
Candice Bertoni, Director

July 20, 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 document:

- December 2008 Monitoring Event Report –
- Notification of Statistically Significant Increases –
- Notification of 3745-27-10(E)(5)(c) Appendix 1 and II Assessment Well Detections –
- Semiannual Assessment Activities Report – dated February 13, 2009

The document is dated February 13, 2009 and was received on February 17, 2009. Silbaugh Hydrogeological Services prepared the document on behalf of County Land Development Landfill, LLC (CLD).

The County Land Development Landfill, LLC (CLD) is conducting both assessment and detection ground water monitoring, and the ground water monitoring program is regulated by the Solid and Infectious Waste Regulations (OAC 3745-27-10), effective August 15, 2003.

The CLD annual detection and assessment monitoring event was conducted on December 15-18, 2008. The sampling results were received by Ohio EPA within 75-days in accordance with OAC 3745-27-10(C)(10).

Statistically significant increases were identified and confirmed at detection well MW-115C for 5.9 mg/L potassium (prediction limit of 5.6 mg/L) and for 34 mg/L sodium (prediction limit 33 mg/L). No volatile organic compounds were detected at any detection monitoring wells. The owner/operator plans to submit a demonstration report for continued detection monitoring of this well under OAC Rule 3745-27-10(D)(7).

Mike Heher
BFIO Carbon Limestone Landfill
July 20, 2010
Page 2

In Table 3, the owner/operator provided notification of Appendix I and II assessment detections in accordance with OAC 3745-27-10(E)(5)(c). Volatile organic compounds were detected at assessment wells MW-119C, MW-122C, MW-112B, MW-111A, AW-131B and AW-127A. No VOCs were detected at assessment wells AW-133C, AW-134C, AW-135C, AW-136A and AW-137C which were sampled in August 2008.

Subsequent to this submittal, wells AW-136B, AW-139C, AW-140C, and AW-141C were installed for further assessment of rate, extent and concentration.

Ohio EPA has identified the following violation:

The owner/operator is in violation of OAC Rules 3745-27-09(H) and 3745-27-10(A)(5) for failing to include the necessary signature statement of a qualified ground water scientist, as well as the owner/operator, certifying that the subject document is true and complete and complies with the requirements of Chapter 3734 of the Revised Code and the rules adopted there under, to the best of their knowledge.

The subject document does not contain the necessary signature statements from either the owner/operator or the qualified ground water scientist.

To return to compliance with these rules, the owner/operator should submit the necessary signature statements for the subject document, as required by these rules.

Ohio EPA has the following recommendation:

It is recommended that low flow or minimum/no purge sampling techniques be utilized at wells MW-131A, MW125-C, MW-4C, MW-6DR and P-7B which quickly became dewatered and at wells MW-111A, MW-7DA and MW-8D which had starting water levels in the screen or at the top of the screen. For each of these wells sufficient water should be removed to evacuate the pump and pump tubing and then the well should be pumped at a rate as low as 100 ml/min or less.

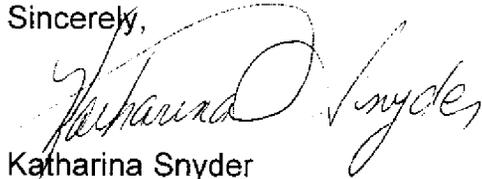
Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the Entity from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the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

Please submit a response to this letter by August 20, 2010.

Mike Heher
BFIO Carbon Limestone Landfill
July 20, 2010
Page 3

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
Joe Montello, Hydrogeology Manager, Republic Services, Inc.
Butch Bradburn
Mary Helen Smith, Mahoning County Health Department
Dave Fetchko, Mahoning County Health Department
File: [Sowers/LAND/CLD/GRO/50]
DSIWM #2313, 3356, 3357, 3358

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

KS
7-20-10

Sent To Mike Heher
 Street, Apt. No., or PO Box No. Carbon Limestone
 City, State, ZIP+4® (CLD Lewis) # 2313, 3356 535 7 #8

PS Form 3800, August 2006 For Reverse for Instructions

7009 1680 0001 9552 1769 K

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

2. Article Number

(Transfer from service label)

7009 1680 0001 9552 1769 K, Snyder 7-20-10

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X N Varner

- Agent
 Addressee

B. Received by (Printed Name)

N Varner

C. Date of Delivery

7-21-10

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes