**Environmental Protection Agency**

[illegible], Governor
[illegible], Lt. Governor
[illegible], Director

August 16, 2010

**RE: CARBON LIMESTONE LANDFILL GROUND WATER NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Mike Heher
Division Manager
Carbon Limestone Landfill LLC
8100 South Stateline Road
Lowellville, OH 44436

Dear Mr. Heher:

The Ohio Environmental Protection Agency (Ohio EPA) has completed a review of the following document:

> 2009 First Semiannual Ground-Water Monitoring Event Results, Dated August 21, 2009

The document was prepared by Eagon & Associates, Inc. on behalf of Carbon Limestone Landfill, LLC, and was received at the Northeast District Office (NEDO) of Ohio EPA on August 24, 2009. The document contains the 2009 first semiannual event sampling and statistical analysis results for both the detection and assessment monitoring programs. The report also contains the semiannual assessment activities report for the first half of 2009.

Ohio EPA has identified the following violations:

> **The owner/operator is in violation of Ohio Administrative Code (OAC) Rules 3745-27-10(B)(1)(b), 3745-27-10(B)(3)(e), 3745-27-10(B)(4)(b), and 3745-27-10(B)(5) for failing to address the issue of downgradient uppermost aquifer system (UAS) detection monitoring well MW-115A, which has not been sampled since 2006. Specifically, for failing to modify the ground water monitoring system to contain a sufficient number of wells capable of representing ground water quality passing directly downgradient of the limits of solid waste placement; for failing to operate and maintain the ground water monitoring system to perform to design specifications for the life of the monitoring program; for failing to modify the ground water monitoring system to be capable of detecting a release to ground water at the closest practicable location to the limits of solid waste placement; and for failing to properly evaluate the ground water monitoring system annually to make certain that the requirements of paragraph (B) of this rule for locating monitoring wells continues to be satisfied, including immediately revising the number, location,**

**Northeast District Office**
2110 East Aurora Road
Twinsburg, OH 44087-1924

330 | 963 1200
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www.epa.ohio.gov

**and/or depth of the monitoring wells to bring the ground water monitoring system into compliance.**

During review of the subject document, it was noted that downgradient UAS detection monitoring well MW-115A could not be sampled, due to insufficient water. Upon closer inspection of the historical sample results table for MW-115A, it was determined that this well has not been sampled since 2006. However, prior to 2007, nine ground water samples had been collected and analyzed from this well. It is not clear why the well stopped producing water for sampling. It appears that no documentation has been submitted by the owner/operator to explain the sudden lack of water in this well. There has also been no documentation submitted demonstrating continued compliance with the rules cited above given the dry condition of this well. The loss of MW-115A as a detection monitoring point is important for a number of reasons. There now exists over 1500 feet of unmonitored limits of waste placement between MW-207A and MW-230A in the UAS. This area is downgradient of the unlined Phase I unit and part of Phase II. To underscore this point, it must be noted that MW-207A is part of the assessment monitoring program due to waste derived impacts to ground water, while MW-230A is an assessment extent well installed as a result of waste derived impacts present in ground water at MW-225A. So it is possible that waste derived impacts to ground water in the UAS are going undetected in this area since 2007, with the loss of MW-115A as a viable monitoring well. A cursory check of the 2009 second semiannual ground water sampling report showed that MW-115A was again not sampled due to being dry. Lastly, a brief examination of the 2008 and 2009 Annual Reports show that the owner/operator's evaluation of the ground water monitoring system found it to be adequate and in compliance, in spite of the continued inability to collect ground water samples from MW-115A and the resulting gap in the monitoring system downgradient of the limits of waste placement that has existed since 2007.

To return to compliance with these rules, the owner/operator needs to immediately take any and all necessary actions to remedy this issue that results in a UAS monitoring well in this area that produces enough ground water to consistently sample. This may include, but is not limited to, the following: making a determination as to whether or not MW-115A has silted in or has a collapsed screen or a failed pump, redeveloping MW-115A as necessary, drilling and installing a deeper UAS replacement well adjacent to MW-115A (although the boring log for MW-115B indicates this was a dry hole at a depth of 220 feet), or drilling a replacement UAS well in an alternate location near this area.

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. Please submit a response to this letter by September 16, 2010.

Sincerely,

Katharina Snyder

Katharina Snyder
Division of Solid and Infectious Waste Management

KS:cl

cc: Mark Kroenke, DDAGW-NEDO
Mary Helen Smith, Mahoning County Health Department
Joe Montello, Hydrogeology Manager, Republic Services, Inc.
File: [Sowers/LAND/CARBON LIMESTONE/GRO/50]
DSIWM #2792, 2966, 2967

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Mike Heher, Division Manager
Carbon Limestone Landfill LLC
8100 South Stateline Road
Lowellville, OH 44436

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