



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

October 5, 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:

Response to Ohio EPA Letter Dated August 16, 2010 Regarding 2009 First Semi-annual Ground Water Sampling Event Results Dated August 21, 2009, and Request to Rescind NOV, dated August 31, 2010

The document was prepared by Eagon & Associates, Inc. on behalf of Carbon Limestone Landfill, LLC, and was received at the Northeast District Office of Ohio EPA on September 1, 2010. The document contains a response to Ohio EPA's August 16, 2010, notice of violation regarding uppermost aquifer system (UAS) monitoring well MW-115A, and a request that the violation be rescinded.

Ohio EPA has determined that the owner/operator's response was not adequate. The owner/operator was correctly cited in violation of 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), in Ohio EPA correspondence dated August 16, 2010, for failing to address the issue of downgradient uppermost aquifer system (UAS) detection monitoring well MW-115A, which had not been sampled since 2006.

The owner/operator's response focused on historical correspondence (from 2005) between Ohio EPA and the owner/operator or the owner/operator's representative (consultant), which resulted in Ohio EPA concluding that no further action was needed. Specifically, the owner/operator referred to the September 7, 2004 Ohio EPA notice of violation regarding the "BFIO Carbon Limestone Landfill Detection Monitoring Plan-Revision 2, October 1, 2003; Silbaugh and Associates, Inc. response dated February 16, 2005; and Ohio EPA's response dated June 8, 2005." The owner/operator then declared that since the issue was previously addressed to Ohio EPA's satisfaction, it is requested that the notice of violation

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be promptly rescinded. While the owner/operator is correct in asserting that Ohio EPA deemed the owner/operator's response and the monitoring system adequate back in 2005, it must be pointed out that in May 2005, the first background sample was collected from MW-207A (Eagon & Associates, Inc., Alternate Source Demonstration for MW-207A, dated April 20, 2007). So this well was newly installed due south of MW-115A and had just become part of the detection monitoring program. No evidence of ground water contamination (at MW-207A) was identified at that time, and no other wells were in assessment in the area. However, it did not remain this way for very long. There were some significant changes in ground water monitoring at Carbon that occurred in the three to four years that followed, that should have prompted the owner/operator to re-visit the issue of not sampling MW-115A. These changes are summarized below:

- First, effective with Ground-Water Quality Assessment Plan Revision 10, dated October 13, 2008, assessment wells MW-225A, 226A, and PW-3BR were incorporated into the assessment monitoring program to address VOC contamination present at PW-3A. These wells are located to the north of MW-115A. In addition, MW-218A, which is southeast of MW-115A and 207A, entered assessment for VOC contamination;
- Second, VOC contamination was identified in ground water at MW-207A, the well due south of MW-115A, and this well entered the assessment monitoring program effective with the Ground-Water Quality Assessment Plan Revision 11, dated December 5, 2008;
- Third, due to additional VOC contamination identified in ground water at MW-225A, the horizontal extent well MW-230A was installed to the north of MW-115A and entered the assessment monitoring program, effective with the Ground-Water Quality Assessment Plan Revision 14, dated March 27, 2009.

So starting in late 2007 or early 2008, the first of many signs or changes (increased ground water VOC impact) in the assessment monitoring program around MW-115A began, that should have signaled that simply not sampling MW-115A could be an issue, especially given that it is the only available monitoring point along 1500 feet of downgradient limits of waste placement in this area (between assessment wells MW-207A and MW-230A).

To return to compliance with these rules, the owner/operator should make every effort to consistently sample MW-115A. As agreed in a telephone conversation between Ohio EPA and the owner/operator (August 18, 2010), the bladder pump will be pulled from MW-115A, and the owner/operator will attempt to sample the well using a bailer. The owner/operator should revise the detection monitoring plan to accurately reflect this and any changes in

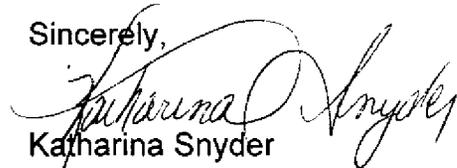
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Division Manager
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sampling methodology for MW-115A that may be instituted. If the owner/operator finds that MW-115A cannot be regularly sampled (semiannually) using a bailer, or does not yield representative ground water samples, then the owner/operator should drill 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.

Sincerely,



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 #2967

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 8100 South Stateline Road
 Lowellville, OH 44436

PS Form 3800, August 2006

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1. Article Addressed to:

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

2. Article Number

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7010 1060 0000 0089 9081 K. Snyder 10-5-10

PS Form 3811, February 2004

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