



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

February 20, 2009

**RE: CENTRAL WASTE
GROUND WATER
NOTICE OF VIOLATION**

CERTIFIED MAIL

Tom Johnson
Central Waste, Inc.
12003 Oyster Road
Alliance, OH 44601

Dear Mr. Johnson:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the following documents:

Analytical Data for the Supplemental October 17 and November 8, 2007 Background Sampling Event, dated January 21, 2008; and

Analytical Data for Monitoring Well MW-1D – November 20, 2007 and December 19, 2007, dated January 30, 2008

The documents were received at the Northeast District Office of Ohio EPA on January 22, 2008, and January 31, 2008, respectively. The documents present the background ground water sampling results from monitoring wells MW-1D, MW-11DR, MW-16D, MW-17D, MW-28S, and MW-5SR. The sampling was conducted as required by OAC Rules 3745-27-10(D)(5)(a)(ii) and 3745-27-10(D)(5)(b)(ii) and the 2004 Ground Water Detection Monitoring Plan.

The Central Waste Landfill ground water monitoring programs are regulated by the Solid and Infectious Waste Regulations (OAC 3745-27-10), effective August 15, 2003.

Ohio EPA has identified the following violations:

1. 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(s) of a qualified ground water scientist, as well as the owner/operator, certifying that the subject documents listed above are true and complete and comply with the requirements of Chapter 3734 of the Revised Code and the rules adopted there under, to the best of their knowledge.

None of the subject documents listed above contained the necessary signature statements from either the owner/operator or the qualified ground water scientist, certifying that the subject documents listed above are true and complete and comply with the requirements of Chapter 3734 of the Revised Code and the rules adopted there under, to the best of their knowledge, as required by these rules.

To return to compliance with these rules, the owner/operator should immediately submit the necessary signature statements for each of the subject documents listed, as required by these rules.

2. The owner/operator was in violation of OAC Rule 3745-27-10(C)(10) for 21 days, from December 31, 2007, until January 22, 2008, for failing to submit the ground water sample results generated in accordance with the October 17, 2007, background sampling event to the Ohio EPA within seventy-five (75) days, as required by this rule.

The October 17, 2007 background sampling event results should have been received by Ohio EPA no later than December 31, 2007. Since they were not received until January 22, 2008, the owner/operator was in violation of this rule for 21 days.

This violation was automatically abated on January 22, 2008, when Ohio EPA received the October 17, 2007 background sampling event results.

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

3. Compliance with OAC Rules 3745-27-10(B)(3) and 3745-27-10(C)(1), which require properly installed and developed monitoring wells that allow the collection of ground water samples that are representative of the ground water quality in the geologic unit being monitored; and require consistent sampling and analysis procedures designed to ensure monitoring results that provide an accurate representation of ground water quality at the background and downgradient wells, cannot be determined at this time.

Review of the subject documents listed above has revealed some potential issues with regard to the representativeness of the ground water sample results. In general, it appears there may be problems with turbidity, well construction, well development, and/or sampling and analysis that might have resulted in ground water sample results that do not accurately represent ground water quality at monitoring wells MW-1D, MW-11DR, MW-16D, and MW-17D.

- a. The turbidity issue was still evident at monitoring well MW-16D during the October 17, 2007, round of background sampling. The turbidity reading (in NTUs) was 22.9. Again, it is not clear that this well was properly and fully developed before background sampling was initiated. As a result, questions remain about the effect of elevated turbidity on those sample results (e.g. metals) that are sensitive to turbidity. To demonstrate compliance with these rules, the owner/operator needs to investigate this issue in more detail and make a determination as to whether or not the elevated turbidity readings resulted in ground water sample results that were not representative. If so, the owner/operator should properly censor the background data set such that the non-representative results are removed from the statistical limit calculations.

- b. A review of the ground water sample results for MW-17D revealed that the ground water quality at MW-17D more closely mirrors the ground water quality of the shallow mine spoil and/or glacial wells that were also being sampled for background. This is very evident when looking at ammonia, sodium, potassium, pH, alkalinity, sulfate, magnesium, calcium, and iron. The results are well out of line with MW-1D, MW-11DR, and MW-16D, and suggest either a greater interconnection between shallow and deep ground waters in this area of the landfill, faulty well construction that is allowing shallow and deep waters to comeingle, or possibly an impact to water quality from the landfill. To demonstrate compliance with these rules, the owner/operator needs to investigate this phenomenon and provide Ohio EPA with more information clarifying what is happening at this well location and any corrective actions that were undertaken.

- c. Ohio EPA's review of the pH readings for monitoring wells MW-1D and MW-11DR revealed pH readings above 9.0 units, and in the case of MW-16D above 8.5 units. Readings of pH this elevated typically indicates possible grout contamination or the need to conduct more well development to ensure that any potential residual grout effects from well construction activities on water quality are eliminated before background sampling is initiated. To demonstrate compliance with these rules, the owner/operator needs to investigate this issue and provide Ohio EPA with more information clarifying whether or not sample results may have been affected, and at which wells additional well development was conducted to resolve the issue of the elevated pH. If it is determined that sample results were affected, the owner/operator should properly censor the background data set such that the non-representative results are removed from the statistical limit calculations.

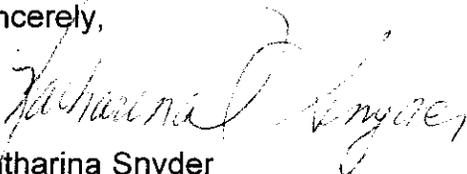
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- d. Ohio EPA's review of the November 8, 2007 and November 20, 2007, background sampling events for MW-1D revealed that these sampling events were only 12 days apart. It isn't clear if 12 days is sufficient time for well recovery and for a new independent slug of ground water to have moved past the well head. The rules require that background consist of independent samples. To demonstrate compliance with these rules, the owner/operator needs to demonstrate that 12 days was sufficient time for fresh ground water to have flowed past monitoring well MW-1D, such that an independent sample was obtained during the November 20, 2007, background sampling event.

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
File: [Sowers/Land/Central/GRO/50]

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Sent To *Tom Johnson*

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PS Form 3800, August 2006 See Reverse for Instructions

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