



State of Ohio Environmental Protection Agency

Northeast District Office

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

February 20, 2008

RE: **MAHONING LANDFILL
GROUND WATER
NOTICE OF VIOLATION**

CERTIFIED MAIL

Scott Herman
Mahoning Landfill, Inc.
3510 Garfield Road
New Springfield, Ohio 44443

Dear Mr. Herman:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the 2006 Annual Ground-Water Monitoring System Evaluation, dated January 15, 2008. The document was received at the Northeast District Office of Ohio EPA on January 16, 2008, and contains a response to Ohio EPA's review of the 2006 annual ground water monitoring system evaluation required by OAC Rule 3745-27-10(B)(5).

Ohio EPA has identified the following violations:

- 1. Mahoning Landfill, Inc. remains in violation of OAC Rules 3745-27-10(B)(5), 3745-27-10(E)(1), and 3745-27-10(E)(6) for failing to install a sufficient number of vertical extent wells in the Vanport Limestone to determine the full vertical extent of ground water contamination that is present in the Middle Kittanning Sandstone (uppermost aquifer system) above.**

The owner/operator's response did not include any documentation that additional vertical extent wells were installed and sampled in the Vanport Limestone to determine the full vertical extent of ground water contamination that is present in the Middle Kittanning Sandstone above. Rather, the owner/operator referred to a document dated October 30, 2007, that contains the results of a pumping test and an evaluation of residential water well testing results. This October 30, 2007 document concludes, in part, that, "...vertical migration...has not and will not occur at the Mahoning Landfill...the vertical rate and extent has been determined...there is no need to install additional wells into the Vanport Limestone."

Ohio EPA does not concur with the owner/operator's determination that no additional wells need to be installed into the Vanport Limestone. While ground water sampling results from VP-1 appear to indicate that the vertical rate and extent of ground water contamination evident at MKS-4 has been adequately determined, this is only one deep well to monitor possible vertical migration from a contaminant plume that is nearly 2,000 feet wide at the southern boundary of the facility and migrating off site. With a contaminant plume so large, and geologic and

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hydrogeologic conditions that may not be the same along the rest of the southern boundary of the facility, additional investigations are necessary to ensure that the full vertical rate, extent, and concentration has been determined.

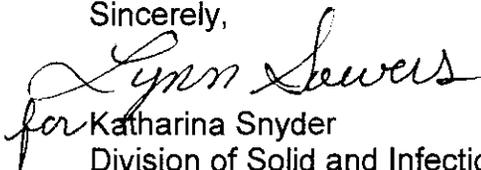
To return to compliance with these rules, the owner/operator must immediately install and sample three additional vertical extent wells in the Vanport Limestone. These additional vertical extent wells should be spaced along the remaining width of the existing plume of contamination in the uppermost aquifer system, such that any vertical migration of contamination to the Vanport Limestone will be identified. Ohio EPA recommends that one additional Vanport Limestone vertical extent well be installed within 50 feet of each of the following Middle Kittanning Sandstone compliance/assessment wells: MKS-5, MKS-6, and MKS-9S, to adequately determine whether or not ground water contamination present in the Middle Kittanning Sandstone at these locations has migrated to the Vanport Limestone.

The owner/operator must immediately revise the assessment plan, to include the details of this investigation, and submit it to the Ohio EPA. At this time, the ground water monitoring rules are self implementing. If the sampling results indicate that ground water contamination has migrated to the Vanport Limestone, the owner/operator is obligated to immediately undertake all necessary plan revisions and field work to investigate the next saturated zone below the Vanport Limestone to make a full vertical determination of rate, extent, and concentration.

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 obligations 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,


for 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/MAHONING/GRO/50]

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