



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

July 8, 2008

**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 Response to the May 14, 2008 Groundwater Notice of Violation, dated May 27, 2008. The response was received by Ohio EPA on May 28, 2008. The letter is a response to a notice of violation dated May 14, 2008, that was received by the facility. The owner/operator contends that Ohio EPA erred in citing the violation and requests that it be revoked.

The owner/operator's response does not correct the previously cited violation. Ohio EPA properly cited the owner/operator in violation of OAC Rule 3745-27-10(E)(5)(a)(i) for failing to sample at least one background well in the C-Horizon uppermost aquifer system within either the same flow path as MW-121C, or screened in the same geologic unit.

OAC Rule 3745-27-10(E)(5)(a)(i) specifically requires the owner/operator to do the following:

"Sample the affected well(s) and analyze the samples for all waste derived constituents, including all constituents listed in appendix I and appendix II of this rule. Any background wells within the flow path or closest to the affected well and screened within the same geologic unit as the affected well shall be sampled and analyzed for appendix I and II parameters."

The owner/operator is reminded that the assessment rules are self implementing and the owner/operator should have recognized the requirement to sample a C-Horizon background well and implemented it.

Ohio EPA acknowledges that the owner/operator has committed to revising the assessment plan to include C-Horizon background well MW-106C and sampling this well for Appendix I and II constituents. The owner/operator will be considered back in compliance with this rule once a revised assessment plan containing C-Horizon background well MW-106C is submitted and this well is sampled for Appendix I and II constituents.

Mike Heher
BFIO Carbon Limestone Landfill
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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
Dave Silbaugh, Silbaugh Hydrogeological Services
Butch Bradburn
Mary Helen Smith, Mahoning County Health Department
File: [Sowers[LAND/CLD/GRO/50] #1187

