



State of Ohio Environmental Protection Agency

Northeast District Office

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

March 14, 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 2007 Second Semiannual Ground-Water Monitoring Event Report. The document is dated January 24, 2008, and was received at the Northeast District Office of Ohio EPA on January 28, 2008. The document contains results of the semiannual determination of rate, extent, and concentration, pursuant to OAC Rule 3745-27-10(E)(10), and the assessment activities report, pursuant to OAC Rule 3745-27-10(E)(12).

Ohio EPA has identified the following violations.

The owner/operator is in violation of OAC Rules 3745-27-10(E)(1), 3745-27-10(E)(6), and 3745-27-10(E)(10) for failing to make a complete determination of the vertical rate, extent, and concentration of ground water contamination beneath the facility.

The owner/operator has not yet installed a sufficient number of vertical extent wells in the Vanport Limestone to determine the full vertical rate, extent and concentration of ground water contamination that is present in the Middle Kittanning Sandstone (uppermost aquifer system) above. The owner/operator has installed one deep vertical extent well, VP-1, in the Vanport Limestone adjacent to uppermost aquifer system assessment well MKS-4 as of December 1, 2006. This is the only 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. Ground water samples collected from assessment monitoring well MKS-6 have shown statistically significant increases in nickel concentrations. This has been verified by several consecutive sampling events. To adequately assess this increase will require the installation of additional vertical extent wells, including a well adjacent to MKS-6 in the Vanport Limestone.

To return to compliance with these rules, the owner/operator needs to 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

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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 each of these additional Vanport Limestone vertical extent wells be installed within 50 feet of each of the following Middle Kittanning Sandstone assessment wells: MKS-5, MKS-6, and MKS-9S, to adequately determine whether ground water contamination present in the Middle Kittanning Sandstone at these locations has migrated to the Vanport Limestone. The owner/operator shall seek concurrence from Ohio EPA regarding these well locations. The owner/operator shall immediately revise the assessment plan to include the details of this investigation, and submit it to the Ohio EPA. At this time, these rules are self implementing. If the owner/operator determines 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,


Katharina Snyder
Division of Solid and Infectious Waste Management

KS:cl

cc: Mark Kroenke, DDAGW-NEDO
Mary Helen Smith, Mahoning County Health Department
Kelly Jeter, DSIWM-CO
File: [Sowers/LAND/MAHONING/GRO/50]#1173