



State of Ohio Environmental Protection Agency
Northeast District Office

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Twinsburg, Ohio 44087-1969

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Bob Taft, Governor
Christopher Jones, Director

JUN 16 2003

David Smith
Browning Ferris Industries of Ohio, Inc.
Carbon Limestone Landfill
8100 South Stateline Road
Lowellville, OH 44436

OHIO E.P.A.
JUN 16 2003
ALFRED DIRECTOR'S JOURNAL

**RE: BFIO CLD/LEWIS LANDFILL, MAHONING COUNTY
OHIO ADMINISTRATIVE CODE (OAC) 3745-27-10(D)(7)(c)**

Dear Mr. Smith:

In a report dated February 10, 2003, BFI of Ohio, Inc. (BFIO) submitted to the Ohio Environmental Protection Agency (Ohio EPA) a request to continue detection monitoring in accordance with OAC 3745-27-10(D)(7)(c). The request was submitted to address statistically significant differences identified during the November 2002 semiannual sampling event conducted at the CLD/Lewis Landfill located in Mahoning County, Specifically, copper was identified as statistically significant in ground water samples from monitoring well MW-11B. The owner/operator conducted verification resampling of the well on January 30, 2003. Resampling did not confirm the original statistical trigger.

Pursuant to Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c), the owner/operator has demonstrated through resampling that a statistically significant increase did not occur at Monitoring well MW-11B during the November 2002 semiannual sampling event. Ohio EPA concurs with the demonstration and approves continuation of the detection monitoring program in accordance with OAC 3745-27-0(D)(7)(c) for the well and parameter specified above.

Should future or existing ground water sampling results indicate statistically significant differences in ground water monitoring parameters, BFIO will be required to either enter the assessment monitoring program in accordance with OAC 3745-27-10(E) or obtain an approval to remain in the detection monitoring program.

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

certify this to be a

Environmental Protection Agency

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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.

You are hereby notified that this action of the Director of Environmental Protection is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the commission within 30 days after notice of the director's action. Notice of the filing of the appeal shall be filed with the director within three days after the appeal is filed with the commission. An appeal may be filed with the commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Katharina Snyder, Ohio EPA, Northeast District Office at (330) 963-1257.

Sincerely,



William Skowronski, Chief
Northeast District Office
for Christopher Jones, Director

WS/CJ/KS/cl

cc: Scott Hester, DSIWM-CO
Eric Adams, DSIWM-NED0
Katharina Snyder, DSIWM-NED0
Christine Frankford, Mahoning County Health Department
File: [LAND/CLD/AUT/50]
File: [LAND/CLD/GRO/50]