



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

OHIO E.P.A.

SEP 18 2012

September 18, 2012

Mike Heher  
CLD Lewis Landfill  
8100 South Stateline Road  
Lowellville, OH 44436

ENTERED DIRECTOR'S JOURNAL. I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Scott J. Nally Date: 9/18/12

**RE: CLD/LEWIS LANDFILL, MAHONING COUNTY  
OHIO ADMINISTRATIVE CODE (OAC) Rule 3745-27-10(C)(7)(g) APPROVAL**

Dear Mr. Heher:

On July 13, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a document titled "OAC Rule 3745-27-10(C)(7)(g) Request to Update Background," dated July 12, 2012, for the CLD/Lewis Landfill (Facility) located in Mahoning County. This document was submitted by Herst & Associates, Inc. on behalf of CLD/Lewis Landfill.

Pursuant to OAC Rule 3745-27-10(C)(7)(g), background data can be added only in blocks of data resulting from the analysis of four or more statistically independent samples after the data have been statistically compared to the current background data and no statistical differences are detected, unless another method is deemed acceptable to the director.

CLD/Lewis Landfill has proposed using the following statistically significant data as part of the Facility's background data.

**A-Horizon**

- **MW-2R:** May 2009 through December 2011 for chloride.
- **P-7B:** December 2005 through October 2011 for potassium.
- **MW-107A:** May 2003 through October 2011 for chloride, (except outlier on 12/18/06 will be excluded).
- **MW-114A:** May 2003 through October 2011 for ammonia, (except outlier on 5/10/05 will be excluded).

- **MW-116A:** May 2003 through October 2011 for chloride and July 2003 through October 2011 for ammonia (except ammonia data for 10/23/06 will be excluded and other ammonia results below PQL of 0.1 mg/L will be excluded).
- **P-13B:** August 2008 through December 2011 for potassium.

#### B-Horizon

- **MW-7DA:** February 1993 through October 2011 for chloride.
- **MW-8D:** December 2008 through December 2011 for chloride.

#### C-Horizon

- **MW-18C:** May 2003 through October 2011 for chloride, potassium and sodium.
- **MW-110C:** May 2009 through December 2011 for chloride.
- **MW-121C:** Spring data from May 2007 through May 2010 for ammonia, chloride, copper, nickel, potassium and sodium (except 5/30/07 copper outlier will be excluded) and Fall data from November 2007 through December 2011 for ammonia, chloride, copper, nickel, potassium and sodium (except 12/18/07 potassium outlier will be excluded).

Ohio EPA has reviewed the applicable information and concurs with the addition of the above data to existing background data. Therefore, pursuant to OAC Rule 3745-27-10(C)(7)(g), the owner or operator is hereby authorized to incorporate the above data in the Facility's background data.

You are hereby notified that this action of the Director of Environmental Protection (Director) 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 thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Mike Heher  
CLD Lewis Landfill  
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Environmental Review Appeals Commission  
77 South High Street, 17th Floor  
Columbus, Ohio 43215

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

Sincerely,



Kurt M. Princic  
Chief, Northeast District Office  
for Scott J. Nally  
Director, Ohio EPA

KMP/SJN/KS/cl

cc: Lynn Sowers, DMWM-NEDO  
Scott Hester, DMWM-CO  
Mary Helen Smith, Mahoning County Health Department