



State of Ohio Environmental Protection Agency

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Glenn Truzzi
Browning-Ferris Industries of Ohio, Inc.
BFI-CLD/Lewis Landfill
8100 South Stateline Road
Lowellville, Ohio 44436

**Re: BFI-CLD/Lewis Landfill, Mahoning County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(a) Approval**

Dear Mr. Truzzi:

In a report dated March 5, 2004, Browning-Ferris Industries of Ohio, Inc. (BFI of Ohio) submitted to the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) a request to reinstate detection monitoring at ground water monitoring wells MW-4A and MW-12 at the BFI-CLD/Lewis Landfill (Facility) located in Mahoning County. Previously, statistically significant increases of lead were found in monitoring well MW-4A, and statistically significant increases of cadmium and chloride were found in monitoring well MW-12.

Pursuant to OAC Rule 3745-27-10(E)(9)(a), the owner or operator may determine that the concentrations of all waste-derived constituents are shown to be at or below background values for two consecutive sampling events and request that the director approve reinstatement of the detection monitoring program. The March 5, 2004, report concluded that all waste-derived constituents were at or below background values at monitoring wells MW-4A and MW-12 during the previous two sampling events.

Ohio EPA has reviewed the applicable information, and we concur with the conclusions in the March 5, 2004, report. Therefore, pursuant to OAC Rule 3745-27-10(E)(9)(a), I hereby approve reinstatement of monitoring wells MW-4A and MW-12 back into the detection monitoring program.

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

Nothing in this letter shall be construed to authorize any waiver from any requirements of

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

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applicable state solid waste laws or regulations. This letter shall not be interpreted to release BFI of Ohio from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

You are hereby notified that this action of the director of Ohio EPA is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to ORC 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. It must be filed with the Commission within thirty (30) days after notice of the director's action. A copy of the appeal must be served on the director within three (3) days after filing 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 of Ohio EPA, NEDO at (330) 963-1257.

Sincerely,

Christopher Jones
Director

CJ/MM/sw

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