



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center  
122 S. Front Street  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

P.O. Box 1049  
Columbus, Ohio 43216-1049

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)(b) 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-2R, MW-5R, MW-18C, P-16, MW-4A, and MW-12 at the BFI-CLD/ Lewis Landfill (Facility) located in Mahoning County. Previously, statistically significant increases of chloride and sodium in MW-5R, barium in MW-2R, sodium in MW-4A, arsenic and sodium in MW-12, sodium in P-16, and chloride and potassium in MW-18C were found at the Facility.

Pursuant to OAC Rule 3745-27-10(E)(9)(b), the owner or operator may demonstrate that a source other than the sanitary landfill facility caused the contamination, or that the statistically significant change resulted from error in sampling, analysis, or statistical evaluation or natural variation in ground water quality. The March 5, 2004, report concluded that the statistically significant increases of chloride and sodium in MW-5R, barium in MW-2R, sodium in MW-4A, arsenic and sodium in MW-12, sodium in P-16, and chloride and potassium in MW-18C were due to natural variation in ground water quality and errors in sampling procedures and laboratory methods, not the landfill.

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)(b), I hereby approve reinstatement of monitoring wells MW-2R, MW-5R, MW-18C, P-16, MW-4A, and MW-12 back into the detection monitoring program.

BFI of Ohio should take measures to ensure that the statistical method includes procedures to control or correct for seasonal and spatial variability, as well as temporal correlation in the data, as required by OAC Rule 3745-27-10(C)(7)(f). Failure to correct

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

Glenn Truzzi  
Browning-Ferris Industries of Ohio, Inc.  
Page 2 of 2

the statistical method for future data evaluations may result in a violation of OAC Rule 3745-27-10.

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 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  
Katharina Snyder, DSIWM-NEDO  
Mary Helen Smith, Mahoning County Health Department