



State of Ohio Environmental Protection Agency

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October 25, 2007

Tim Nytra
BFIO Carbon Limestone Landfill
8100 South Stateline Road
Lowellville, OH 44436

**Re: BFIO CLD/Lewis Landfill, Mahoning County
Ohio Administrative Code (OAC) Rule 3745-27-10(B)(1) Authorization**

Dear Mr. Nytra:

On May 24, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a request dated May 22, 2007, for approval to conduct surface water sampling at BFIO CLD/Lewis Landfill (Facility) located in Mahoning County. According to the request, small streams provide important sampling locations for assessment activities at the Facility.

Pursuant to OAC Rule 3745-27-10(B)(1), the director may require or otherwise authorize an owner or operator to conduct surface water monitoring (i.e. seeps, springs, or streams) as part of the ground water monitoring system in areas where it may not be practical to place a well. Such surface water samples shall be representative of ground water quality passing directly downgradient of the limits of solid waste placement.

Ohio EPA has reviewed the May 22, 2007 request and has determined that it is not practical to place wells in the northeastern area of the landfill where the A-Horizon is discharging to a small surface stream. Placement of wells is not practical because the A-Horizon daylights to the surface, precluding monitoring this horizon with ground water wells in this location. Surface water samples taken from this small stream receiving discharge from the A-Horizon will be representative of ground water quality passing directly downgradient of the limits of solid waste placement. Therefore, pursuant to OAC Rule 3745-27-10(B)(1), I hereby authorize the owner or operator to conduct surface water assessment monitoring at one location as part of the ground water assessment monitoring system at the Facility. As part of this authorization, the owner or operator is subject to the following conditions:

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

CONDITIONS

1. The owner or operator shall conduct regular semiannual surface water assessment sampling when base flow surface water is flowing at the Stream-1A location, as indicated on Figure 1 of the May 22, 2007 request, to monitor the quality of A-Horizon ground water discharging along the northeastern area of the landfill and to aid in the determination of rate, extent, and concentration of the waste-derived constituents impacting ground water.
2. The assessment monitoring plan titled Assessment Monitoring Plan Revision 2.0; Addendum No. 4, BFIO CLD/Lewis Landfill - Mahoning County, Ohio, (Assessment Plan), dated May 23, 2007, shall be revised to reflect the addition of the surface water sampling location to the assessment monitoring program. The revised Assessment Plan shall be submitted to Ohio EPA prior to the next semiannual sampling event.
3. Surface water assessment sampling of this location shall be conducted in accordance with the Assessment Plan, as revised in accordance with Condition Number 2, and OAC Rule 3745-27-10(E).

END OF CONDITIONS

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Section 3745.04 of the Ohio Revised Code. 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 which the Commission, in its discretion, may reduce if by affidavit you demonstrate 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:

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

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

Sincerely,

Chris Korleski
Director

cc: Lynn Sowers, DSIWM-NEDO
Scott Hester, DSIWM-CO
Mary Helen Smith, Mahoning County Health Department
File: #468