



State of Ohio Environmental Protection Agency OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

NOV 02 2010

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.

Mr. Gregory Merrill, P.E.
Director
Montgomery County Solid Waste/Water Services
1850 Spaulding Road
Dayton, Ohio 45432

Date: 11.2.10

Re: Montgomery County Ash Monofill, Montgomery County Corrective Measures Plan – Selection of Corrective Measures

Dear Mr. Merrill,

On June 11, 2010, the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO) received a Corrective Measures Plan titled *Corrective Measures Plan, Upper Sand and Shale, Montgomery County Ash Monofill* dated June 3, 2010. The document was submitted by Eagon & Associates, Inc. on behalf of the Montgomery County Ash Monofill and was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-10(F).

Montgomery County (County) initially submitted a Corrective Measures Plan (CMP) to Ohio EPA/SWDO on August 28, 2000 to address statistically significant increases of several inorganic parameters in detection monitoring wells downgradient of the ash monofill (Landfill). Ohio EPA did not approve the August 2000 CMP and revisions were submitted on March 18, 2008; January 19, 2010; June 3, 2010; and September 2, 2010.

On June 20, 2008, Ohio EPA requested that the County implement a corrective measure that would consist of a combination of a leachate collection sump in conjunction with enhanced ground water monitoring. After numerous revisions to the March 18, 2008, CMP, the County and Ohio EPA agreed that the County's proposal to implement source control at the southeastern toe of the landfill, as described in the September 2, 2010 revisions to the *Corrective Measures Plan, Upper Sand and Shale, Montgomery County Ash Monofill*, dated June 3, 2010, met Ohio EPA expectations.

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

The County concluded that the following corrective measures will minimize the potential for leachate generation and migration:

- Continued maintenance of the landfill cap system; and
- Continued operation and maintenance of the leachate collection system; and
- extraction of leachate-contaminated fluid at the landfill perimeter in the vicinity of MW 94-2S and 94-2D; and
- Enhanced groundwater monitoring to monitor the effectiveness of the extraction system. Provisions are included in the Corrective Measures Monitoring Plan (CMMP) for data evaluation and measures are established to re-evaluate corrective measures (and assessment) if necessary.

Ohio EPA has reviewed the *Corrective Measures Plan, Upper Sand and Shale, Montgomery County Ash Monofill*, dated June 3, 2010 and the September 2, 2010 revisions and has determined that it fulfills the requirements of OAC Rule 3745-27-10(F). Therefore, I select the following corrective measures to be implemented at the facility:

- Continued maintenance of the landfill cap system; and
- Continued operation and maintenance of the leachate collection system; and
- extraction of leachate-contaminated fluid at the landfill perimeter in the vicinity of MW 94-2S and 94-2D; and
- Enhanced groundwater monitoring to monitor the effectiveness of the extraction system.

The County shall implement the June 3, 2010 CMP at the Facility and shall comply with the following conditions:

CONDITIONS

1. Not later than thirty days after the effective date of this authorization, the County shall notify Ohio EPA, in writing, of the anticipated date upon which the extraction system will become fully operational. Not later than five days after the system becomes fully operational, the County shall notify Ohio EPA/SWDO of the date upon which full operational status was achieved.

2. Not later than thirty days after the extraction system becomes fully operational, the County shall submit data to Ohio EPA/SWDO to evaluate whether the extraction system is working as designed and gradient control is being achieved.
3. Any proposed changes to the Corrective Measures Plan shall be submitted to Ohio EPA/SWDO not later than 60 days prior to anticipated implementation of the proposed changes. If Ohio EPA/SWDO staff notifies the County that the proposed changes require approval from the Director prior to implementation, then the County shall only implement the proposed changes upon receiving the Director's approval.
4. Following commencement of operation of the groundwater extraction system, the County shall prepare and submit to Ohio EPA/SWDO a long term Operation & Maintenance (O & M) Plan for the system to ensure the system is performing in conformance with the provisions contained within the Performance Verification Plan. This plan shall be revised any time changes are made to the ground water extraction system. The O & M Plan shall be submitted not later than 180 days after the effective date of this authorization.
5. The County shall continue to implement the selected corrective measure until the provisions of OAC Rules 3745-27-10(F)(15) and (16) are satisfied.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals 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, made payable to "Ohio Treasurer Kevin Boyce," 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:

Mr. Gregory Merrill
Montgomery County Solid Waste/Water Services
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Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

If you have any questions concerning this letter, please contact John McGinnis of Ohio EPA/SWDO at (937) 285-6449.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Korleski". The signature is fluid and cursive, with the first name "Chris" and last name "Korleski" clearly distinguishable.

Chris, Korleski
Director

cc: Bob Downing, Montgomery County Solid Waste Services

ec: Paul Stuart, Public Health – Dayton & Montgomery County
John McGinnis, DDAGW, SWDO
Betty Arthungal, DSIWM, SWDO