Environmental Protection Agency

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

OHIO E.P.A.

DEC - 2 2010

ENTERED DIRECTOR'S JOURNAL

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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 Jody Lassiter Date: 12-2-10

Mohammad Ali
Waste Management
American Landfill
7916 Chapel Street, S.E.
Waynesburg, OH 44688-9700

RE: AMERICAN LANDFILL, STARK COUNTY
OHIO ADMINISTRATIVE CODE (OAC) RULE 3745-27-10(E)(9)(b) APPROVAL

Dear Mr. Ali:

On July 27, 2010, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a document titled *OAC Rule 3745-27-10(E)(9) Request and Demonstration for Wells PHL/BC-21 and PHL/BC-23 for American Landfill* dated July 26, 2010, for the American Landfill (Facility) located in Stark County. On November 15, 2010, Ohio EPA DSIWM NEDO received a document titled *Addendum to the OAC Rule 3745-27-10(E)(9) Request and Demonstration for Wells PHL/BC-21 and PHL/BC-23* dated November 12, 2010. These documents were submitted by Eagon and Associates, Inc., on behalf of the Facility, pursuant to OAC Rule 3745-27-10(E)(9)(b), and requested reinstatement of the ground water detection monitoring program for specific monitoring wells at the Facility and to release the owner or operator from the obligation to comply with the ground water quality assessment monitoring program implemented due to the detection of statistically significant changes for arsenic in monitoring well PHL/BC-21 during the 2008 second semiannual ground water sampling event 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 from natural variation in ground water quality and request that the director approve reinstatement of the detection monitoring program.

The July 26, 2010, and November 12, 2010, documents concluded that the statistically significant changes for arsenic at monitoring well PHL/BC-21 were due to natural and spatial variability of ground water quality and not as a result of impact from the landfill. Ohio EPA has reviewed the applicable information and concurs with this conclusion. Therefore, pursuant to OAC Rule 3745-27-10(E)(9)(b), I hereby approve reinstatement of the ground water detection monitoring program for the monitoring well in the ground water quality assessment monitoring program, noted above, and release the owner or operator from the obligation to comply with this assessment monitoring program at the Facility. This approval of reinstatement of the detection monitoring program applies to monitoring well PHL/BC-21.

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Should future or existing ground water sampling results indicate statistically significant changes in ground water monitoring parameters, the owner or operator will be required to either enter into the ground water quality assessment monitoring program in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program pursuant to OAC Rule 3745-27-10(D)(7)(c).

This approval shall not be construed to release the owner or operator from the obligation to comply with the requirements of any other ground water quality assessment monitoring program being conducted at the Facility.

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:

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

If you have any questions concerning this letter, please contact Joshua Adams of Ohio EPA, DSIWM-NEDO at (330) 963-1103 or at joshua.adams@epa.ohio.gov.

Sincerely,

William Skowronski
Chief, Northeast District Office
for Chris Korleski
Director, Ohio EPA

WS/CK/JA/cl

cc: Lynn Sowers, DSIWM-NEDO
Scott Hester, DSIWM-CO
Jeff Rizzo, DDAGW-NEDO
Kirk Norris, Stark County Health Department