



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

FEB -1 2011

ENTERED DIRECTOR'S JOURNAL

FEB 01 2011

Scott Herman
Mahoning Landfill, Inc.
3510 Garfield Road
New Springfield Ohio 44443

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: Tom Kessler Date: 2-1-11

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

Dear Mr. Herman:

On November 10, 2010, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a document, containing ground water detection monitoring data, dated November 9, 2010, for the Mahoning Landfill (Facility) located in Mahoning County. According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant changes were detected: chloride in monitoring well LF/MKC-5. The November 9, 2010 document concluded that the statistically significant changes for chloride at monitoring well LF/MKC-5 were due to error in sampling, analysis, or statistical evaluation, and not as a result of impact from the landfill. Monitoring well LF/MKC-5 was initially sampled on May 19, 2010.

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.

Ohio EPA has reviewed the applicable information and concurs with the conclusion that the statistically significant changes for chloride at monitoring well LF/MKC-5 were due to error in sampling, analysis, or statistical evaluation, and not as a result of impact from the landfill. 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 LF/MKC-5.

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

Scott Herman
Mahoning Landfill, Inc.
Page 2

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 of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code 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. 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 "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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 Katharina Snyder of Ohio EPA, NEDO at (330) 963-1257.

Sincerely,



William Skowronski
Chief, Northeast District Office
for Scott J. Nally
Director, Ohio EPA

WS/SJN/KS/cl

cc: Lynn Sowers, DSIWM-NEDO
Scott Hester, DSIWM-CO
Mary Helen Smith, Mahoning County Health Department
DSIWM #3596