



**Environmental
Protection Agency**

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

OHIO E.P.A.

OCT 18 2011

ENTERED DIRECTOR'S JOURNAL

October 18, 2011

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.

Frank Dockery
District Manager, Waste Mgmt., Inc.
2460 S. Gettysburg Ave
Dayton Ohio 45418

By: Sam Cassler Date: 10-18-11

**Re: Pinnacle Road RDF
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b) Approval**

Dear Mr. Dockery:

On March 14, 2011, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials & Waste Management (DMWM), Southwest District Office (SWDO) received a document titled "A Request to Return to Detection Monitoring " (monitoring well MW-10AQ) dated March 9, 2011, for the Pinnacle Road RDF Landfill (Facility) located in Montgomery County. This document was submitted by Eagon and Associates, Inc., on behalf of Waste Management, Inc. pursuant to Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b), and requested reinstatement of the ground water detection monitoring program for a specific monitoring well 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 chloride in well MW-10AQ in 2007.

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 March 9, 2011 document concluded that the statistically significant changes for chloride at monitoring well MW-10AQ were due to a compromised PVC casing which allowed surface water to enter the well and impact the ground water chloride concentrations, 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 MW-10AQ 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 MW-10AQ.

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 of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission (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 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 Appeal Commission at the following address:

Environmental Review Appeals Commission
77 South High Street
17th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Betty Arthungal of Ohio EPA, SWDO at 937-285-6048.

Sincerely,



Bonnie Buthker, Acting District Chief
for Scott J. Nally, Director

cc: Tracy Buchanan, DMWM-SWDO
Scott Hester, DMWM-CO
Paul Stuart, PHDMC