



**Environmental
Protection Agency**

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

December 20, 2011

Mr. Joe Bulzan, Environmental Manager
RockTenn Company
500 North Fourth Street
Coshocton, Ohio 43812

**RE: Mill Creek Landfill, Coshocton County
Review of November 2010 Assessment of Semi-Annual Ground Water
Monitoring Data**

Dear Mr. Bulzan:

On February 17, 2011, the Southeast District Office (SEDO) of the Ohio Environmental Protection Agency (Ohio EPA) received a document titled, *November 2010 Assessment of Semi-Annual Groundwater Monitoring Data*, for Mill Creek Landfill, located in Coshocton County. The document was prepared by URS on behalf of RockTenn Company (formerly Smurfit-Stone Container Corporation) and was submitted pursuant to OAC Rule 3745-30-08.

The November 2010 semiannual sampling event was conducted November 22, 2010. Analyses of these results identified two statistically significant increases for nitrate-nitrite in wells W-5LK (0.2 mg/L) and W-1LKC (0.3 mg/L). Pursuant to OAC Rule 3745-30-08(C)(6)(g), background data can be added only in blocks of data resulting from the analysis of four or more statistically independent samples after the data have been statistically compared to the current background data and no statistical differences are detected.

Ohio EPA has reviewed the information provided in the November 2010 *Assessment of Semi-Annual Groundwater Monitoring Data*, and concurs that the 1997 through November 2010 semi-annual ground water detection monitoring data for nitrate-nitrite in W-1LKC be added to the background data group. Therefore, pursuant to OAC Rule 3745-30-08(C)(6)(g), the owner or operator is hereby authorized to update background data for nitrate-nitrite in W-1LKC due to natural variation and the sensitivity of the statistical method based on limited background data.

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

OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

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 Jeff Cassler Date: 12-20-11

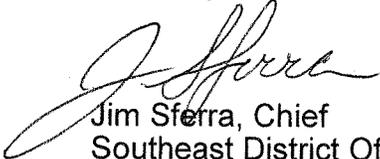
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with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

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

If you have any questions or require further assistance, please contact Erika Jackson of Ohio EPA's Southeast District Office at 740-380-5228.

Sincerely,



Jim Sferra, Chief
Southeast District Office
for Scott J. Nally, Director

cc: Mr. Ralph Fogle, Coshocton County Health Department
Mr. Scott Hester, DMWM, CO
Mr. Rich Fox, DMWM, SEDO

JS/SJN/EJ/jg