



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

OHIO E.P.A.

JAN - 9 2013

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CERTIFIED

January 9, 2013

Kimble Clay & Limestone Co.
3596 State Route 39 NW
Dover, Ohio 44622

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: Danya Cassiter Date: 1-9-13

Attention: Keith Kimble

**RE: Kimble Sanitary Landfill, I. D. # 79-00-04, Tuscarawas County
Ohio Administrative Code (OAC) Rule 3745-27-10(D) (7) (c) Approval**

Dear Mr. Kimble:

On October 17, 2012, the Ohio Environmental Protection Agency (Ohio EPA) Southeast District Office (SEDO) received an alternate source demonstration submitted in accordance with OAC 3745-27-10(D)(7)(c)(ii) for the statistically significant increases identified during the May and July 2012 sampling event, at the Kimble Sanitary Landfill. As noted in the facility's semiannual detection monitoring report submitted in July 18, 2012, two statistically significant exceedances were observed in the May sampling event. Monitoring well BP-50 had a concentration of 24 mg/L of potassium and monitoring well BP-50A had a concentration of 47 mg/l also for potassium. Resampling occurred during July 2012 with a result for monitoring well BP-50 of 17 mg/l and monitoring well BP-50A had a result of 47 mg/l both for potassium. The resampling exceeded the control chart limits for both wells and represents a statistically significant increase above background.

In accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D) (7) (b), Kimble Sanitary Landfill notified the Director of a significant change from background values within the required seventy five days of withdrawing a sample.

The demonstration was reviewed by the Division of Drinking and Ground Waters (DDAGW) and the Division of Material and Waste Management (DMWM). Upon review, the demonstration data submitted adequately supports the Kimble Sanitary Landfills conclusion for a false positive.

Based on the data within the October 17, 2012 demonstration, the statistically significant increases in monitoring wells BP-50 and BP-50A and reported in the May and July ground water statistics report appears to be a false statistical positive. Therefore, Ohio EPA approves continuation of the detection monitoring program in accordance with OAC Rule 3745-27-10(D) (7) (c) for the parameters and wells specified above.

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).

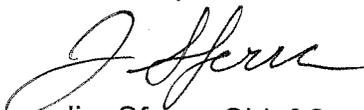
This approval shall not be construed to release the owner or operator from the obligation to comply with the requirements of any other ground water quality assessment monitoring program being conducted at the Facility.

You are hereby notified that this action of the Director of Ohio EPA (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 "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
77 South High St., 17th Floor
Columbus, Ohio 43215

If you have any questions, please feel free to contact Dale Warner in the Division of Material and Waste Management at (740) 380-5435.

Sincerely,



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

JS/SN/DW/mr

cc: Tuscarawas County Health Department
Scott Hester, DMWM, CO
SEDO-DMWM
SEDO-DDAGW