



State of Ohio Environmental Protection Agency

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Civil and Environmental Consultants
Attn: Eric M. Van Heyde
400 Lazelle Road, Suite 1
Polaris Commerce Park
Columbus, Ohio 43240-2023

**RE: BFI-Muskingum Closed Landfill, Muskingum County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(7)(b) Approval**

Dear Mr. Van Heyde:

On April 11, 2002, the Ohio Environmental Protection Agency (Ohio EPA), Southeast District Office (SEDO) received a report dated April 9, 2002, from Civil and Environmental Consultants (CEC), on behalf of Browning-Ferris Industries (BFI), titled Groundwater Alternate Source Demonstration Report for LKC Wells MW-1U and MW-6D requesting the reinstatement of the ground water detection monitoring program at the BFI-Muskingum Closed Landfill located in Muskingum County.

In accordance with OAC Rule 3745-27-10(E)(7)(b), the owner or operator may demonstrate that a source other than the landfill caused the contamination or the increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in ground water quality.

The April 9, 2002, report included data for the December 2001, and March 2002, sampling events for the BFI-Muskingum Closed Landfill. In December 2001, a sample was collected from well MW-6D and analyzed for Appendix II parameters. Two semi-volatile compounds, 3-Methylphenol and 4-Methylphenol, were detected at a concentration of 5.4 ug/L. The laboratory analysis could not determine whether one compound was present at 5.4 ug/L or whether each was present at 2.7 ug/L or some other combination that totaled 5.4 ug/L. A confirmation sample was collected from well MW-GD on March 6, 2002, and analyzed for 3-Methylphenol and 4-Methylphenol. The laboratory analysis of the March 2002, sample reported a concentration level for both compounds below the laboratory reporting limit of < 5 ug/L and did not confirm earlier December 2001 sampling results.

Ohio EPA's Division of Drinking and Ground Waters (DDAGW) reviewed the information within this report. Ohio EPA concurs with the April 9, 2002, report that the statistically significant increase in 3-Methylphenol and 4-Methylphenol in well MW-6D is not a result of impact from the landfill. Therefore, pursuant to OAC Rule 3745-27-10(E)(7)(b), I hereby approve the demonstration for 3-Methylphenol and 4-Methylphenol at MW-GD and the owner/operator of the BFI-Muskingum Closed Landfill may reinstate ground water detection monitoring for well MW-6D in accordance with OAC Rules 3745-27-10(C) and (D).

Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director

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

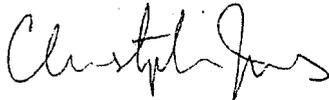
You are hereby notified that the action of the Director of Environmental Protection, explained in the previous paragraphs for MW-6D, is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing and 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. A copy of the appeal shall be filed with the director within three (3) days after the appeal is filed with the Commission. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street, Room 300
Columbus, Ohio 43215

The April 9, 2002, report does not adequately demonstrate that the statistically significant increase at well MW-1U was not a result of impact from the landfill. Therefore, I decline to grant approval to reinstate the ground water detection monitoring program for monitoring well MW-1U.

If you have any questions concerning this letter, please contact Bob Murphy of Ohio EPA, SEDO at (740) 380-5408.

Sincerely,



Christopher Jones
Director

cc: Muskingum County Health Department
Doug Snyder, DDAGW, SEDO
Steve Rine, DSIWM, SEDO
Scott Hester, DSIWM, CO

Attachment