



State of Ohio Environmental Protection Agency

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Mayor Jim Carr
Village of Newcomerstown
Municipal Building
124 West Church Street
Newcomerstown, Ohio 43832

Re: **Village of Newcomerstown Landfill, Tuscarawas County
Ohio Administrative Code Rule 3745-27-10(E)(7)(b) Authorization**

Dear Mayor Carr:

On February 14, 2002, the Southeast District Office (SEDO) of the Ohio Environmental Protection Agency (Ohio EPA) received a report from North Point Environmental on behalf of the Village of Newcomerstown (Village). This report identified statistically significant increases in the concentration of 1,1-dichloroethane, 1,1-dichloroethene, and 1,1,1-trichloroethane in wells MW-3A and MW-6 at the Village of Newcomerstown Landfill.

On June 24, 2002, North Point Environmental submitted a demonstration, in accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c), that a source other than the landfill caused the statistically significant increases detected in monitoring wells MW-3A and MW-6. This demonstration was not approved and the Village was required to enter into assessment monitoring in accordance with OAC Rule 3745-27-10(E).

On February 26, 2003, a second demonstration was submitted to SEDO. Based on this information, Ohio EPA has determined that the Village has adequately demonstrated that a source other than the landfill is responsible for the elevated concentrations of 1,1-dichloroethane, 1,1-dichloroethene, and 1,1,1-trichloroethane in wells MW-3A and MW-6 at the landfill.

Pursuant to OAC Rule 3745-27-10(E)(7)(b), the Village is hereby authorized to reinstate the detection monitoring program at the Village of Newcomerstown Landfill as described in OAC Rule 3745-27-10(C) and (D) and is no longer required to comply with OAC Rule 3745-27-10(E) for the aforementioned wells and parameter concentrations.

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

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

This letter does not relieve the Village from liability for any past or present violations of state environmental laws. Nothing in this letter shall limit the state's ability to seek relief under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. Sections 9601, et seq., R.C. Sections 3734.20 through 3734.27, or R.C. Chapter 6111 to: (1) recover natural resource damages, or (2) to order the performance of or recover costs for any removal, remedial, or corrective activities.

You are hereby notified that this action of the Director of Environmental Protection 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 made in writing and set forth the action complained of and the ground upon which the appeal is based. It must be filed with the Commission within 30 days after notice of the director's action. A copy of the appeal must be served on the director within three days of filing with the Commission. An appeal may be filed with the 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 document, please contact Dale Warner at Ohio EPA SEDO at (740) 385-5435.

Sincerely,

Christopher Jones
Director

cc: Tuscarawas County Health Department
Scott Hester, DSIWM, CO
Steve Rine, DSIWM, SEDO

CJ/DW/jg