



State of Ohio Environmental Protection Agency

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April 24, 2008

Mr. Steve Luebbe
Fayette County Engineer
1560 Robinson Road
Washington CH, OH 43160

**Re: Fayette County Landfill #3, Fayette County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval**

Dear Mr. Luebbe:

On March 18, 2008, the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM), Central District Office (CDO), received a document titled, "Alternate Source Demonstration for Arsenic Concentrations in B-401", dated March 14, 2008, for the Fayette County Landfill #3 (Facility) located in Fayette County. The document was submitted on your behalf by your consultant, Burgess & Niple, Inc. This document was submitted because arsenic was detected at statistically significant concentrations during the November 2007 sampling event, and during a December 18, 2007, re-sampling event, at monitoring well B-401.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator may demonstrate that a source other than the sanitary landfill caused the contamination, or that the statistically significant change resulted from error in sampling, analysis, or statistical evaluation or natural variation in ground water quality. A report documenting this demonstration must be submitted to and approved by Ohio EPA. If the owner or operator does not obtain approval to continue monitoring within two hundred ten (210) days from the initial sampling, the owner or operator is required to comply with the provisions of OAC Rule 3745-27-10(E) for ground water quality assessment monitoring.

The March 18, 2008, document proposed that the significantly high result for arsenic in monitoring well B-401 could be due to high turbidity levels in this monitoring well and not the result of impact from the landfill

Ohio EPA has reviewed the applicable information and concurs with the demonstration in the January 2008 report. Therefore, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator is hereby authorized to continue the detection monitoring program at the Facility for monitoring well B-401.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

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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 assessment monitoring in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program.

You are hereby notified that this action of the 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 which 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 Appeals 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 authorization, please feel free to contact Phil Farnlacher of Ohio EPA's Central District Office at (614) 728-3890.

Sincerely,

Isaac A. Robinson III
Chief
Central District Office
for Chris Korleski, Director

c: Rick Garrison, Fayette County Health Department
Michael Leone, Burgess & Niple
Scott Hester, DSIWM/CO
Duane Snyder, DSIWM/CDO