



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

June 24, 2009

Ms. Robin Jones
Project Manager Closed Sites
Waste Management
P.O. Box 13506
Dayton, Ohio 45413

**Re: ELDA Recycling and Disposal Facility Closed Landfill, Hamilton County
Ohio Administrative Code (OAC) Rule 3745-27-10(C)(7)(g) Approval**

Dear Ms. Jones:

On February 5, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO) received a document titled *"Revised Statistical Analysis Plan for Ground Water quality Monitoring, ELDA Recycling and Disposal Facility – Revision 4"* dated February 2009, for ELDA Recycling and Disposal Facility (Facility) located in Hamilton County. The submittal contained a request to add previously-determined statistically significant increases to the background database relative to OAC Rule 3745-27-10 (C)(7)(g). The data associated with the request for director's approval includes: arsenic at well E-6ARR, chloride at well E-20AR, chloride and selenium at well W-18AR and sodium at wells E-26 and E-21AR.

Pursuant to OAC Rule 3745-27-10(C)(7)(g), background data can only be added in blocks of data resulting from the analysis of four or more statistically independent samples after the data have been statistically compared to current background data and no statistical differences are detected, unless another method is deemed acceptable by the director.

Ohio EPA has reviewed the information provided and concurs that this data can be added to the background data group. Therefore, pursuant to OAC Rule 3745-27-10(C)(7)(g), the owner or operator is hereby authorized to update the background database for arsenic at well E-6ARR, chloride at well E-20AR, chloride and selenium at well W-18AR and sodium at wells E-26 and E-21AR, as detailed in the February 5, 2009 request.

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

Ms. Robin Jones
Waste Management, Inc.
Page 2 of 2

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 letter, please contact John McGinnis of Ohio EPA, SWDO at (937) 285-6449.

Sincerely,

Thomas A. Winston, P.E.
Chief, Southwest District Office
for Chris Korleski, Director

cc: Tracy Buchanan, DSIWM-SWDO
Scott Hester, DSIWM-CO
Richard Thornburg, Cincinnati Health Department