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Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

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CERTIFIED

February 20, 2013

Mr. Frank Dockery
District Manager
Waste Management, Inc.
2460 S. Gettysburg Avenue
Dayton, OH 45418

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: Jim Lassiter Date: 2-20-13

**Re: Pinnacle Road RDF, Montgomery County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval**

Dear Mr. Dockery:

On November 23, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a document titled 2012 Second Semi-annual Ground-water Monitoring, OAC 3745-27-10(D)(7)(c)(ii) Demonstration, dated November 21, 2012, for Pinnacle Road Recycling and Disposal Facility (Facility) located in Montgomery County. This document was submitted by Eagon & Associates Inc., on behalf of Waste Management, Inc., and provides the demonstration for statistical exceedances from the September 11 and 12, 2012 second semi-annual ground water sampling events at the Facility.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant changes were detected: sodium and chloride in monitoring well MW-10AQ, chloride and chemical oxygen demand (COD) in monitoring well MW-10T, chloride in monitoring well MW-11TS, and COD in monitoring well MW-12T.

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 facility 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 detection monitoring within two hundred ten (210) days from 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 November 21, 2012 document concluded that the statistically significant changes for sodium and chloride in sodium and chloride in monitoring well MW-10AQ, chloride and chemical oxygen demand (COD) in monitoring well MW-10T, chloride in monitoring well MW-11TS, and COD in monitoring well MW-12T appears not to be a result of a release from the landfill. Ohio EPA determined that a comparison of Piper/Stiff diagrams supports the facility's conclusion that the exceedances observed in these wells can be attributed to natural variation.

Ohio EPA has reviewed the applicable information and demonstration included in the November 21, 2012 document. 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 wells MW-10AQ, MW-10T, MW-11TS, and MW-12T.

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 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 concerning this letter, please contact Greg Brown of Ohio EPA, SWDO at (937) 285-6407.

Sincerely,



Bonnie Buthker, District Chief/SWDO
for Scott J. Nally, Director,
Ohio Environmental Protection Agency

cc: Tracy Buchanan, DMWM-SWDO
Paul Stuart, Public Health of Dayton and Montgomery County