



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

MAY 18 2012

ENTERED DIRECTOR'S JOURNAL



CERTIFIED MAIL

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.

May 18, 2012

Tim Haaf
Waste Management, Inc.
Statewide RDF
851 Robinson Road East
Erie, PA 16509

By: 

Date: 5.18.2012

**Re: Statewide Recycling and Disposal Facility (RDF), Stark County
Corrective Measures Alternate Source Demonstration Approval**

Dear Mr. Haaf:

On January 6, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a document titled *2011 Second Semiannual Corrective Measures Activities Report, Alternate Source Demonstration for Corrective Measures Monitoring Wells MW5C-1, MW5C-2, MW5C-3, and MW5C-4*, dated January 4, 2012, for the Statewide RDF (Facility) located in Stark County. This document was submitted by Eagon and Associates, Inc., on behalf of Waste Management, Inc. (Owner) and contains an alternate source demonstration for verified statistically significant increases (SSIs) in corrective measures wells MW5C-1, MW5C-2, MW5C-3, and MW5C-4.

According to the document, analysis of the ground water detection monitoring data indicated SSIs of vanadium in ground water samples at corrective measures well MW5C-1, selenium at well MW5C-2, vanadium at well MW5C-3, and arsenic, chloride, and vanadium at well MW5C-4.

In accordance with Section 9.2 of the Owner's approved Corrective Measures Plan (CMP), journalized on March 22, 2007, the Owner is requesting that the Director, or an authorized representative, find that the verified SSIs are due to an alternate source

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(acid mine drainage) and/or natural variation in ground water quality and may continue to be evaluated as being below background levels. If the Owner does not receive approval to continue to evaluate vanadium at well MW5C-1, selenium at well MW5C-2, vanadium at well MW5C-3, and arsenic, chloride, and vanadium at well MW5C-4 as below background by May 21, 2012, which is 135 days from the date of notification, MW5C-1, MW5C-2, MW5C-3, and MW5C-4 will need to be sampled for the Appendix II parameters contained in Ohio Administrative Code (OAC) Rule 3745-27-10, and a new rate, extent, and concentration determination will need to be established.

The January 6, 2012, submittal concluded that the SSIs in ground water samples for vanadium at well MW5C-1, selenium at well MW5C-2, vanadium at well MW5C-3, and arsenic, chloride, and vanadium at well MW5C-4 were false positives due to an alternate source (acid mine drainage) and/or natural variation in ground water quality and are not a result of impact from the landfill.

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the January 6, 2012, submittal for corrective measures wells MW5C-1, MW5C-2, MW5C-3, and MW5C-4. Therefore, in accordance with Section 9.2 of the approved CMP, the Owner is hereby authorized to continue to monitor and evaluate vanadium at well MW5C-1, selenium at well MW5C-2, vanadium at well MW5C-3, and arsenic, chloride, and vanadium at well MW5C-4 as being below background levels.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to ORC 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. 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 Street, 17th Floor
Columbus, Ohio 43215

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If you have any questions concerning this letter, please contact Joshua Adams of Ohio EPA, DMWM, NEDO at (330) 963-1103 or joshua.adams@epa.state.oh.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott J. Nally". The signature is stylized and somewhat cursive.

Scott J. Nally, Director

cc: Lynn Sowers, DMWMNEDO
Scott Hester, DMWM-CO
Kay Springer Amey, DDAGW-NEDO
Paul DePasquale, Stark County Health Department