



State of Ohio Environmental Protection Agency

STREET ADDRESS

MAILING ADDRESS

Lazarus Government Center  
122 S. Front Street  
Columbus, OH 43215-1099

TELE: (614)644-3020 FAX: (614) 644-2329

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

JUL 1 2002

OHIO E.P.A.  
JUL - 1 2002  
ENTERED DIRECTOR'S JOURNAL

Mr. Jim Carr, Mayor  
Village of Newcomerstown  
Office of the Mayor, Municipal Building  
124 West Church Street  
Newcomerstown, Ohio 43832

**RE: Newcomerstown Landfill I.D. # 79-00-02, Tuscarawas County  
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(5)(a)(ii)(a) Approval**

Dear Mr. Carr:

On February 25, 2002, the Ohio Environmental Protection Agency (Ohio EPA), Southeast District Office (SEDO), received a report from KU Resources, Inc. on behalf of the Village of Newcomerstown titled Response to Comments. The report requested approval to use existing ground water data pursuant to OAC Rule 3745-27-10(D)(5)(a)(ii)(a), as background data for statistical analysis of ground water in lieu of four sampling events within the initial 180-day period following implementation of the ground water detection monitoring program at the Newcomerstown Landfill (Facility).

The request has been reviewed and recommended for approval by the Division of Drinking and Ground Waters (DDAGW). Therefore, pursuant to OAC Rule 3745-27-10(D)(5)(a)(ii)(a), the owner/operator is hereby authorized to utilize existing ground water data as background data in performing statistical analysis of ground water at the facility.

This letter shall not be interpreted to release the Village of Newcomerstown from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code; under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment. Nothing in this letter shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations to : (1) recover-natural resource damages, or (2) to order the performance of, or recover costs for, any removal, remedial, or corrective activities.

I certify this to be a true and accurate copy of the  
official document as filed in the records of the Ohio  
Environmental Protection Agency.

By: Zona L. Clements Date: 7-1-02

Bob Taft, Governor  
Maureen O'Connor, Lieutenant Governor  
Christopher Jones, Director

Newcomerstown Landfill, Tuscarawas County  
OAC Rule 3745-27-10(D)(5)(a)(ii)(a) Approval  
Page 2 of 2

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 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. A copy of the appeal must be served on the director within three (3) days of filing with the Commission. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission  
236 East Town Street, Room 300  
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Dale Warner of Ohio EPA, SEDO at (740) 380-5435.

Sincerely,



Christopher Jones  
Director

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