



State of Ohio Environmental Protection Agency

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Mayor Jim Carr  
Village of Newcomerstown  
Municipal Building  
124 West Church Street  
Newcomerstown, Ohio 43832

Re: **Village of Newcomerstown Landfill, Tuscarawas County  
Ohio Administrative Code Rule 3745-27-10(E)(7)(a) Authorization**

Dear Mayor Carr:

On September 11, 2002, the Southeast District Office (SEDO) of the Ohio Environmental Protection Agency (Ohio EPA) received a report from North Point Environmental on behalf of the Village of Newcomerstown (Village). This report identified a statistically significant increase in the concentration of sodium in ground water monitoring well MW-4 at the Village of Newcomerstown Landfill.

On May 5, 2003, North Point Environmental submitted a request to return to detection monitoring, in accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(E)(7)(a). The request is based on two consecutive events showing concentration levels below the prediction limit for sodium in well MW-4. Based on the review of this information by Ohio EPA, the Village has met the requirements of OAC Rule 3745-27-10(E)(7)(a) to return to detection monitoring.

Pursuant to OAC Rule 3745-27-10(E)(7)(a), the Village is hereby authorized to reinstate the detection monitoring program at the Village of Newcomerstown Landfill as described in OAC Rule 3745-27-10(C) and (D) and is no longer required to comply with OAC Rule 3745-27-10(E) for the aforementioned well and parameter concentration.

Should future or existing ground water sampling results indicate statistically significant increases in ground water monitoring parameters, the facility owner or operator will be required to enter into assessment monitoring in accordance with OAC Rule 3745-27-10(E) or obtain an approval to remain in the detection monitoring program in accordance with OAC Rule 3745-27-10(D)(7)(c).

This letter does not relieve the Village from liability for any past or present violations of state environmental laws. Nothing in this letter shall limit the state's ability to seek relief under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. Sections 9601, et seq., Ohio Revised Code (ORC) Sections 3734.20 through 3734.27,

Bob Taft, Governor  
Jennette Bradley, Lieutenant Governor  
Christopher Jones, Director

or ORC Chapter 6111 to: (1) recover natural resource damages, or (2) to order the performance of or recover costs for any removal, remedial, or corrective activities.

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 ORC Section 3745.04. The appeal must be made in writing and set forth the action complained of and the ground upon which the appeal is based. It must be filed with the Commission within 30 days after notice of the director's action. A copy of the appeal must be served on the director within three days of filing with the Commission. An appeal may be filed with the 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 document, please contact Dale Warner at Ohio EPA SEDO at (740) 385-5435.

Sincerely,

Christopher Jones  
Director

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

CJ/DW/jg