



State of Ohio Environmental Protection Agency

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Mr. Mohammed Ali
American Landfill, Inc.
7916 Chapel Street, SE
Waynesburg, Ohio 44688-9700

**RE: American Landfill, Stark County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b) Approval**

Dear Mr. Ali:

On January 9, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a request, dated January 8, 2004, from Eagon and Associates, Inc. on behalf of American Landfill, Inc. (ALI) to reinstate ground water monitoring wells back into the detection monitoring program at American Landfill located in Stark County. Results from the October 2003 semi-annual ground water detection sampling event indicated elevated levels of benzene in monitoring well PHL/BC-4 and chloride in monitoring well LKC-4.

The request was submitted in accordance with OAC Rule 3745-27-10(E)(9)(b), which states, in part, that 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.

The information contained in the January 8, 2004, report indicates that the statistically significant increase in benzene at monitoring well PHL/BC-4 during the October 2003 sampling event was due to an error in sampling, and the statistically significant increase in chloride at monitoring well LKC-4 was a result of natural variation in ground water quality. Ohio EPA has reviewed the applicable information, and we concur with the report's conclusions. Therefore, pursuant to OAC Rule 3745-27-10(E)(9)(b), I hereby approve reinstatement of monitoring wells PHL/BC-4 and LKC-4 back into the detection monitoring program. This approval applies only to the results of the October 2003 sampling event.

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.

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

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Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This letter shall not be interpreted to release ALI from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

You are hereby notified that this action of the director of Ohio EPA 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. It 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 after 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 technical questions regarding this approval, please contact Doug Dobransky at (330) 963-1147. Please submit all written correspondence to Scott Winkler, Ohio EPA, Division of Solid and Infectious Waste Management, Northeast District Office, 2110 East Aurora Road, Twinsburg, Ohio 44087.

Sincerely,

Christopher Jones
Director

CJ/kd

cc: Scott Winkler, DSIWM-NEDO
Eric Adams, DSIWM-NEDO
Scott Hester, DSIWM-CO
Kirk Norris, Stark County Health Department