



State of Ohio Environmental Protection Agency

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Athens County Commissioners
Athens County Courthouse
Court Street
Athens, Ohio 45701

**RE: Athens County, Athens County 691 Landfill
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c) Approval**

Dear Commissioners:

On October 27, 2004, the Southeast District Office (SEDO) of the Ohio Environmental Protection Agency (Ohio EPA) received a report from Malcolm Pirnie, Inc. on behalf of the Athens County Commissioners and the Athens County 691 Landfill, titled "*Monitoring Well MW-5 Request for Demonstration of a False Positive.*" The report included data for the most recent sampling event that indicated a statistically significant increase of ammonia in the Lower Freeport monitoring well MW-5.

In accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(b), the Athens County Commissioners, notified the director of the significant change from background values within the required seventy-five days of withdrawing the sample.

Within the report, the Athens County Commissioners, included a demonstration which concluded that the statistically significant increase for ammonia in well MW-5 was the result of a false statistical positive determination due to natural variation in groundwater.

The demonstration was reviewed by the Division of Drinking and Ground Waters (DDAGW) and the Division of Solid and Infectious Waste Management (DSIWM). Upon review, the data submitted adequately supports the Athens County Commissioner's, conclusion for the statistically significant increase.

Based on the demonstration provided, the statistically significant increase for ammonia in monitoring well MW-5 reported in the most recent ground water statistics report appears to be a false statistical positive. Therefore, Ohio EPA approves continuation of the detection monitoring program in accordance with OAC 3745-27-10(D)(7)(c) for the parameter and well specified above.

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

**ATHENS COUNTY
691 LANDFILL
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Should future or existing ground water sampling results indicate statistically significant increases in ground water monitoring parameters at any of the detection monitoring wells, the owner/operator must either enter them into assessment monitoring in accordance with OAC 3745-27-10(E) or obtain an approval to remain in the detection monitoring program.

You are hereby notified that this action of the director of the Ohio EPA is final and may be appealed to the Environmental Review Appeals Commission (ERAC) pursuant to Ohio Revised Code (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 ERAC 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 ERAC. An appeal may be filed with ERAC at the following address:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions, please feel free to contact Joe Holland in the Division of Solid and Infectious Waste Management at (740) 380-5439.

Sincerely,

Steven C. Skinner, P.E., Chief
Southeast District Office
for Christopher Jones, Director

cc: Athens County Health Department
Scott Hester, DSIWM, CO
Joe Holland, DSIWM, SEDO
Mike Preston, DDAGW, SEDO

SCS/jg