



State of Ohio Environmental Protection Agency

Southwest District

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Bob Taft, Governor  
Bruce Johnson, Lt. Governor  
Joseph P. Koncelik, Director

**CERTIFIED MAIL**

September 27, 2006

Mr. Frank Fello  
Waste Management Inc.  
3415 Township Road #447  
Glenford, Ohio 43739

**Re: Pinnacle Road RDF, Montgomery County  
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval**

Dear Mr. Fello,

On June 1, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office, Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a document titled *2006 FIRST SEMIANNUAL GROUND WATER RESULTS AND STATISTICAL ANALYSES, for the Pinnacle Road RDF*, located in Montgomery County. This document was submitted by Eagon & Associates, on behalf of Waste Management and contains the ground water sampling results and the statistical analysis from the March 20-22, 2006 ground water sampling event at the facility, with a resampling event on May 10 and again on May 19, 2006.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant changes were detected: chloride in monitoring wells MW-11TS and MW-10AQ .

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator may demonstrate that a source other than the landfill 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. A report documenting this demonstration must be submitted to and approved by Ohio EPA. If the owner or operator does not obtain approval to continue detection monitoring within two hundred ten (210) days from initial sampling, the owner or operator is required to comply with the provisions of OAC Rule 3745-27-10(E) for ground water quality assessment monitoring.

The June 1, 2006 document concluded that the statistically significant changes for chloride at monitoring well MW-11TS and MW-10AQ were due to natural or spacial variability in ground water quality, and not as a result of impact from the landfill. Monitoring wells MW-11TS and MW-10AQ were initially sampled on March 20-22, 2006.



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Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the June 1, 2006 document. Therefore pursuant to OAC OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator is hereby authorized to continue the detection monitoring program at Pinnacle Rd. RDF for monitoring wells MW-11TS and MW-10AQ.

Should future or existing ground water sampling results indicate statistically significant changes in the ground water monitoring parameters, the facility owner/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 detection monitoring program.

You are hereby notified that this action of the Director of Environmental Protection (Director) 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. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate 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 Appeal 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 letter, please contact Betty Arthungal of the Ohio EPA, SWDO at (937) 285-6357.

Sincerely,

Thomas A. Winston, P.E.  
Chief, Southwest District Office

for Joseph Koncelik  
Director, Ohio Environmental Protection Agency

cc: Tracy Buchanan, DSIWM-SWDO  
Jeffery Mullins, Montgomery County Health Department  
Greg Brown, Ohio EPA, SWDO, DDAGW

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