



State of Ohio Environmental Protection Agency

**Southeast District Office**

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

February 21, 2007

Mr. Joe Bulzan, Environmental Manager  
Smurfit Stone Container Corporation  
Container Board and Paper Division  
500 North Fourth Street  
Coshocton, Ohio 43812

**Re: Millcreek Landfill, Coshocton County  
Ohio Administrative Code (OAC) Rule 3745-30-08(D)(9)(b) Approval**

Dear Mr. Bulzan:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the following document for compliance with Ohio Administrative Code (OAC) Rule 3745-30-08, as effective August 15, 2003, for industrial solid waste landfills:

“Demonstration Letter for the statistically significant increase of chloride in well 3LK and manganese in well 3LKC during May 22, 2006 sampling event,” dated August 3, 2006, received by Ohio EPA on August 4, 2006.

The document was prepared by URS Corporation, on behalf of Smurfit-Stone Container, and contains a request for approval of the demonstration that natural variation in ground water quality is the cause of the contamination. The demonstration was submitted in accordance with OAC Rule 3745-30-08(D)(9)(b), which states, in part:

When the owner or operator demonstrates the statistically significant increase to be an error in statistical procedure or from natural variation in ground water quality, a report documenting this demonstration shall be submitted...for approval by the director or his authorized representative. The owner or operator shall comply with paragraphs (D)(8) to (D)(12) of this rule until the demonstration report is approved.

The document demonstrated that the reported statistically significant increases in chloride at monitoring well 3LK and manganese at monitoring well 3LKC were due to natural variation in ground water quality. Ohio EPA has reviewed the applicable information and concurs with the demonstration. Therefore, pursuant to OAC Rule 3745-30-08(D)(9)(b), the report documenting the demonstration is hereby approved and Smurfit-Stone Container is released from the obligation to comply with OAC Rules 3745-30-08(D)(8) to 3745-30-08(D)(12) for the statistically significant increases in chloride at monitoring well 3LK and manganese at monitoring well 3LKC detected during the May 22, 2006, sampling event.

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Should future or existing ground water sampling results indicate a statistically significant increase in ground water monitoring parameters, Smurfit-Stone Container will be required to comply with OAC Rules 3745-30-08(D)(8) to 3745-30-08(D)(12) and to enter into assessment monitoring in accordance with OAC Rule 3745-30-08(E), or obtain an approval similar to this approval.

You are hereby notified that this action of the Director of Ohio EPA (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 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 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 Appeals 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, Ohio EPA, Southeast District Office, at (740) 380-5435.

Sincerely,

Steven C. Skinner  
Chief, Southeast District Office  
for Chris Korleski, Director

SCS/CK/jg

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