



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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Ashland County Commissioners
Ashland County Courthouse
110 Cottage Street
Ashland, Ohio 44805

**Re: Ashland County Landfill, Ashland County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b)
Response to Request to Reinstate Ground Water Detection Monitoring**

Dear Commissioners:

On May 17, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a document titled *Semi-Annual Report of Groundwater Assessment Activities*, for the Ashland County Landfill (Facility), located in Vermillion Township, Ashland County, Ohio. This document was submitted by Hull and Associates, Inc. on behalf of the owner/operator, pursuant to OAC Rule 3745-27-10(E)(9)(b), for reinstatement of detection monitoring at Ashland County Landfill.

Pursuant to OAC Rule 3745-27-10(E)(9)(b), 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 from natural variation in ground water quality and request that the director approve reinstatement of the detection monitoring program.

The May 17, 2007, document concluded that the statistically significant change for chloride at monitoring well BW-9 was due to a source other than the sanitary landfill facility causing the contamination, an error in statistical evaluation, and a natural variation in ground water quality during the March 6, 2007 semiannual sampling event and the May 1, 2007 confirmation sampling event, and not as a result of impact from the landfill. Ohio EPA has reviewed the applicable information and has determined that the owner or operator has not demonstrated that the statistically significant increase in chloride is not the result of impact from the facility. Therefore, I cannot grant approval to reinstate ground water monitoring well BW-9 back into the ground water detection monitoring program at the Facility. The owner or operator shall comply with the ground water quality assessment program pursuant to OAC Rule 3745-27-10(E).

A detailed account of Ohio EPA's review of the ground water demonstration will be sent to you in separate correspondence.

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

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 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 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 letter, please contact Tyler Madeker of Ohio EPA, NWDO at (419) 373-3078.

Sincerely,

Chris Korleski
Director

pc: Ashland County Health Department
William Petruzzi, Hull & Associates, Inc.
Dale McLane, DDAGW-NWDO

ec: E. Jay Murphy, DSIWM-NWDO
Jack Leow, DDAGW-NWDO
Tyler Madeker, DSIWM-NWDO

CK/EJ/TM/sw