



State of Ohio Environmental Protection Agency

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January 27, 2009

Stephen A. Dubetz, Manager
City of Akron Department of Public Service
Bureau of Public Works
1436 Triplett Blvd.
Akron, Ohio 44306

**Re: Hardy Road Landfill, Summit County
Ohio Administrative Code (OAC) Rule 3745-27-10(C)(7)(g) Approval**

Dear Mr. Dubetz:

On December 12, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM) received a document titled "Statistical Analysis Program for Ground Water Quality Monitoring, Hardy Road Landfill, Summit County, Ohio," dated December 2007, for the Hardy Road Landfill (Facility) located in Summit County. This document was submitted by Eagon & Associates, on behalf of Waste Management, Inc. and the city of Akron, and included a request to update the background data group representing the background ground water quality for chloride, sodium, barium, and potassium at monitoring well MW-21. The requested update includes the deletion of earlier data and the incorporation of new data, even though there are statistically significant increases in the data proposed for incorporation. Concurrent with the request to update the background data group, Waste Management, Inc. and the city of Akron submitted demonstrations, in accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii), that concluded that the increases in chloride, sodium, barium, and potassium concentrations at monitoring well MW-21 are due to a shift in background concentration as a result of natural variability in ground water quality. The demonstrations were addressed in separate correspondences from Ohio EPA.

Pursuant to OAC Rule 3745-27-10(C)(7)(g), background data can only be added in blocks of data resulting from the analysis of four or more statistically independent samples after the data have been statistically compared to current background data and no statistical differences are detected, unless another method is deemed acceptable by the director.

Ohio EPA has reviewed the information provided and concurs that this data can be added to the background data group.

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

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Therefore, pursuant to OAC 3745-27-10(C)(7)(g), the owner or operator is hereby authorized to update the background database for chloride, sodium, barium, and potassium at monitoring well MW-21 as detailed in the December 2007 request.

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 pursuant to Section 3745.04 of the Ohio Revised Code. 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, OH 43215

If you have any questions concerning this letter, please contact Dave Dysle of Ohio EPA, NEDO at (330) 963-1286.

Sincerely,

William Skowronski, District Chief
Northeast District Office
for Chris Korleski, Director

cc: Lynn Sowers, DSIWM, NEDO
Scott Hester, DSIWM, CO
Doug Dobransky, DDAGW, NEDO
Julie Brown, Akron Health Department
Timothy Haff, Akron Regional Landfill, Inc.