



State of Ohio Environmental Protection Agency

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April 21, 2009

Ray Lewis
General Manager
Cherokee Run Landfill
2946 U.S. Rt. 68
Bellefontaine, OH 43311

**Re: Cherokee Run Landfill, Logan County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval**

Dear Mr. Lewis:

On February 17, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO) received a document titled "*Demonstration for September 2008 Exceedances at the Cherokee Run Landfill*" dated February 13, 2009, for the Cherokee Run Landfill (Facility) located in Logan County. This document was submitted by ERM, on behalf of Allied Waste, and contains a request pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii) to allow specific ground water monitoring wells at the Facility to remain in the detection monitoring program despite statistically significant changes detected during the September 2008 sampling event.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant changes were detected: sodium in MW-4; chloride in MW-4, MW-9, MW-12 and MW-28; potassium and ammonia in MW-28.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), 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 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 February 13, 2009 document concluded that the statistically significant changes for sodium in MW-4; chloride in MW-4, MW-9 and MW-28; potassium and ammonia in MW-28 were due to *natural variation in ground water quality*, and not as a result of impact from the landfill. The February 13, 2009 document also concluded that the statistically

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significant change for chloride in MW-12 was due to road salting, and not a result of an impact from the landfill.

Ohio EPA has reviewed the applicable information and concurs with the demonstration. Therefore, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator is hereby authorized to continue the detection monitoring program at the Facility for monitoring wells MW-4, MW-12, MW-9 & MW-28.

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

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, Ohio 43215

If you have any questions concerning this letter, please contact Monte Bluebaum of Ohio EPA, DSIWM, SWDO at (937) 285-6647 or John McGinnis, DDAGW, SWDO at (937) 285-6449.

Sincerely,

Thomas A. Winston, Chief
Southwest District Office
for Chris Korleski, Director

ec: Tracy Buchanan, DSIWM-SWDO
Scott Hester, DSIWM-CO
Craig Kauffman, Logan County Health District
John McGinnis, DDAGW-SWDO