



State of Ohio Environmental Protection Agency

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JUL 20 2001

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ENTERED DIRECTOR'S JOURNAL

JUL 20 2001

Joanne Douglas, President
Central Waste, Inc.
12003 Oyster Road
Alliance, Ohio 44601

I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency

By: Joanne Douglas Date 7-20-01

Re: **Central Waste Landfill, Mahoning County
Ohio Administrative Code (OAC) Rule 3745-27-10(O)(7)(b) Approval**

Dear Ms. Douglas:

On May 21, 2001, Central Waste, Inc. (CWI) submitted a request to the Ohio Environmental Protection Agency. (Ohio EPA) dated May 18, 2001, to reinstate several ground water monitoring wells to detection monitoring. The request was made in accordance with OAC Rule 3745-27-10(O)(7)(b) which states:

“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, statistical evaluation, or natural variation in ground water quality. A report documenting this demonstration must be submitted to the director and request that the director approve reinstatement of the detection monitoring program described in paragraphs (C) and (D) of this rule.”

CWI's request was submitted to address statistically significant differences identified during the April 1999, October 1999, April 2000, and October 2000 semiannual sampling events.

In accordance with OAC Rule 3745-27-10(O)(7)(b), Ohio EPA has determined that CWI has adequately demonstrated that most of the statistically significant differences or detections of volatile organic constituents identified during the above sampling events were false positives. Specifically, CWI has demonstrated that the false positives were the result of natural variation in ground water quality, elevated turbidity of the samples, laboratory interference, or improperly applied statistical methodology.

Based on the information contained in the May 21, 2001, demonstration and pursuant to OAC Rule 3745-27-10(O)(7)(b), CWI is hereby authorized to reinstate monitoring wells MW-1 OS, MW-1 1 S, MW-14S, MW-17S, MW-19S, MW-20S, MW-3D, MW-7D, and MW-11 D to detection monitoring .

Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director

You are hereby notified that the above action of the Director of Environmental Protection is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 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. Notice of the filing of the appeal shall be filed with the director within three days after the appeal is filed with the commission. An appeal may be filed with the commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

Ohio EPA does not concur to reinstate monitoring well MW-12S to detection monitoring. Ohio EPA has issued several notices of violation dated May 16,2001; May 18,2001; May 23,2001; and May 24,2001, documenting that CWI has not complied with the assessment monitoring plan and the requirements of OAC Rule 3745-27-10(E) to complete a previously initiated ground water quality assessment monitoring program for well MW-12s. Until CWI complies with the assessment rule requirements and the assessment activities outlined in the assessment plan, Ohio EPA cannot reinstate detection monitoring at MW- 12S.

Furthermore, the May 21, 2001, request consistently makes the following statement which is not acceptable to Ohio EPA:

“In the event that this demonstration under OAC 3745-27-10(E)(7)(b) is approved by Ohio EPA, the assumption that groundwater has not been impacted by landfill activities downgradient of the facility can be accepted, and the use of post-landfill-construction downgradient data would meet the requirements of OAC 3745-27-10(B)(1)(a).”

The above authorization to reinstate wells MW-10S, MW-1 IS, MW-14S, MW-17S, MW-19S, MW-20S, MW-3D, MW-7D, and MW-1 1 D to detection monitoring is based, as stated above, upon CWI's demonstration that the false positives were due to error caused by natural variation in ground water quality, elevated turbidity of the samples, laboratory interference, or improperly applied statistical methodology. CWI's assumption that Ohio EPA approval of the OAC Rule 3745-27-10(E)(7)(b) request implies that ground water quality “has not been impacted by landfill activities downgradient of the facility” and “the use of post-landfill-construction downgradient data would meet the requirements of OAC 3745-27-10(B)(1)(a) is not acceptable for two reasons.

First, CWI has not completed the ground water quality assessment monitoring program for wells MW-12S, MW-15S, and MW-24S. Ohio EPA has documented that CWI has not

adequately followed the assessment monitoring plan and the requirements of OAC Rule 3745-27-10(E) to complete a previously initiated ground water quality assessment monitoring program for wells MW-12S, MW-15S, and MW-24S. Until CWI adequately works through the assessment program, following OAC Rule 3745-27-10(E) and the assessment plan, the assumption that ground water has not been impacted by landfill activities downgradient of the facility is not acceptable.

Second, Ohio EPA has documented that CWI has not installed a ground water monitoring system that consists of a sufficient number of appropriately located downgradient mine spoil monitoring wells that can adequately represent the quality of the ground water in the minespoil passing directly downgradient of the limits of waste placement. Until CWI has installed an adequate ground water monitoring system in the mine spoil and conducted a minimum of two semiannual sampling events where no statistically significant differences in ground water quality are identified, the use of post-landfill-construction downgradient data to fulfill the requirements of OAC Rule 3745-27-10(B)(1)(a) is not acceptable.

If you have any questions concerning this letter, please contact Katharina Snyder of Ohio EPA, Northeast District Office at (330) 963-1257.

Sincerely,



Christopher Jones, Director

cc: Scott Hester, DSIWM-CO
Eric Adams, DSIWM-NED0
Katharina Snyder, DSIWM-NED0
Mark Kroenke, DDAGW-NED0
Christine McElhaney, Mahoning County Health Department
File [LAND/CENTRAL WASTE/AUT/50]
File [LAND/CENTRAL WASTE/GR0/50]