



State of Ohio Environmental Protection Agency

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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(D)(7)(c)(ii) APPROVAL**

Dear Mr. Dubetz:

On July 24, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM) received a document titled "Statistical Analysis of Ground Water Monitoring Results, 2009 First Semiannual Sampling Event, Hardy Road Landfill," dated July 2009, 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 contains the ground water sampling results and the statistical analysis from the May 12 and 13, 2009 ground water sampling event at the Facility.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant changes were detected: chloride in monitoring well MW-20, sodium and potassium in MW-21, and nickel in monitoring well MW-22.

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 July 2009 document concluded that the statistically significant changes for chloride at monitoring well MW-20 and nickel in MW-22 were due to natural variation in ground water quality, and not as a result of impact from the landfill. The July 2009 document concluded that the statistically significant changes for sodium and potassium in MW-21 were due to statistical errors.

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

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the July 2009 document. Therefore, pursuant to OAC 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-20, MW-21 and MW-22.

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 an 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, 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, Ohio EPA

WS/CK/DD/cl

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