



State of Ohio Environmental Protection Agency

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September 30, 2009

Stephen A. Dubetz, P.E., P.S.
Manager, Engineering Services Division
City of Akron Department of Public Service
Bureau of Public Works
1436 Triplett Blvd.
Akron, Ohio 44306

**RE: HARDY ROAD LANDFILL
GROUND WATER MONITORING**

Dear Mr. Dubetz:

The Ohio Environmental Protection Agency (Ohio EPA) received a revised Statistical Analysis Plan (SAP) prepared by Eagon & Associates, Inc. on behalf of the city of Akron and Akron Regional Landfill, Inc., a subsidiary of Waste Management, Inc. The SAP is titled "Statistical Analysis Program for Ground Water Quality Monitoring, Hardy Road Landfill, Summit County, Ohio, Revision 5." It is dated July 2009 and was received by Ohio EPA on July 20, 2009.

The revised SAP includes an OAC Rule 3745-27-10(C)(7)(g) request to update the data set representing background ground water quality. The request is for chloride at ground water monitoring well MW-20; and chloride, sodium, barium, and potassium at ground water monitoring well MW-21. The update request proposes incorporating the semi-annual ground water detection monitoring data that was reported as statistically significant increases (SSIs) from 2006 through 2008 into the background data set.

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 the 2006 through 2008 semi-annual ground water detection monitoring data for chloride at monitoring well MW-20; and chloride, sodium, barium, and potassium at monitoring well MW-21 be added to the background data set in accordance with OAC Rule 3745-27-10(C)(7)(g).

Hardy Road Landfill submitted false statistical trigger demonstrations, in accordance with OAC Rule 3745-27-10(D)(7)(c)(ii), that adequately demonstrated the reported SSIs for chloride at monitoring well MW-20; and chloride, sodium, barium, and potassium at monitoring well MW-21 were due to a shift in background concentration as a result of natural variability in ground water quality. The demonstrations were previously approved by

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

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the Director prior to the facility revising the SAP and current request to update the background data.

Ohio EPA has reviewed the information provided and concurs that this data can be added to the background data group. Therefore pursuant to OAC Rule 3745-27-10(C)(7)(g), the owner or operator is hereby authorized to update the background database for chloride at monitoring well MW-20; and chloride, sodium, barium, and potassium at monitoring well MW-21, as detailed in the July 2009 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 T. Skowronski,
District Chief, Northeast District Office
for Chris Korleski
Director, Ohio EPA

WTS/CK/DD/cl

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