



State of Ohio Environmental Protection Agency

OHIO E.P.A.

JAN 19 2010

Southeast District Office

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Logan, Ohio 43138

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www.epa.state.oh.us

ENTERED DIRECTOR'S JOURNAL
Ed Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

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

JAN 19 2010

Kimble Clay & Limestone Co.
3596 State Route 39 NW
Dover, Ohio 44622

Attn.: Keith Kimble

By: John Lassiter Date: 1-19-10

**RE: Kimble Sanitary Landfill, I. D. # 79-00-04, Tuscarawas County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c) Approval**

Dear Mr. Kimble:

On July 14, 2009, the Southeast District Office (SEDO) of the Ohio Environmental Protection Agency (Ohio EPA) received the groundwater monitoring report covering the May 2009 sampling event for the Kimble Sanitary Landfill. This report found that the landfill had two statistically significant increases in monitoring well DP-30A for chloride and DP-50 for lead.

In accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(b), Kimble Sanitary Landfill notified the director of a significant change from background values within the required seventy-five days of withdrawing a sample.

The July 14, 2009, submittal also contained an alternate source demonstration report for the lead exceedances in monitoring well DP-50 and chloride exceedances in monitoring well DP-30A. In June 2009, DP-50 was resampled for lead for verification purposes. The report concluded that the statistically significant detection for lead in DP-50 was the result of increased turbidity and the chloride exceedances in DP-30A is due to naturally occurring oil and brine.

The demonstration was reviewed by the Division of Drinking and Ground Waters (DDAGW) and the Division of Solid and Infectious Waste Management (DSIWM). Upon review, the demonstration data submitted adequately supports the Kimble Sanitary Landfill's conclusion for the statistically significant increase.

Based on the data within the July 14, 2009, demonstration, the statistically significant increases in monitoring wells DP-30A and DP-50 and reported in the July 2009 ground water statistics report appears to be a false statistical positive. Therefore, Ohio EPA approves continuation of the detection monitoring program in accordance with OAC Rule 3745-27-10(D)(7)(c) for the parameters and wells specified above.

Should future ground water sampling results indicate statistically significant increases in ground water monitoring parameters at any of the detection monitoring wells, you must either enter into assessment monitoring in accordance with OAC 3745-27-10(E) or obtain an approval to continue in the detection monitoring program.

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You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission (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, please feel free to contact Dale Warner in the Division of Solid and Infectious Waste Management at (740) 380-5435.

Sincerely,



Craig Butler, Chief, Southeast District Office
for Chris Korleski, Director

cc: Tuscarawas County Health Department
Scott Hester, DSIWM, CO
SEDO-DSIWM
SEDO-DDAGW

CB/CK/DW/jg