



State of Ohio Environmental Protection Agency

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FEB 18 2010 P.O. Box 1049
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ENTERED DIRECTOR'S JOURNAL

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.

FEB 18 2010

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

By: *Donna Lassiter* Date: 2-18-10

**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 January 24, 2010, the Southeast District Office (SEDO) of the Ohio Environmental Protection Agency (Ohio EPA) received a report entitled "Comprehensive Alternate Source Demonstration". This report found that the landfill had statistically significant increases in monitoring wells BP-44 for sodium, DP-30A for sodium and chloride, DP-34 for potassium 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 January 24, 2010, alternate source demonstration report concluded that the statistically significant detection for the sodium increase in BP-44 and DP-30A, the chloride exceedances in monitoring well DP-30A, potassium exceedances in monitoring well DP-34, and the lead exceedances in DP-50 is not landfill derived and due to natural variation of ground water.

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 increases.

Based on the data within the January 24, 2010, demonstration, the statistically significant increases for the sodium increase in BP-44 and DP-30A, the chloride exceedances in monitoring well DP-30A, the potassium exceedances in monitoring well DP-34, and the lead exceedances in DP-50 are not landfill derived and naturally occurring. 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.

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

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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/cb