



State of Ohio Environmental Protection Agency

OHIO E.P.A.

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Central District Office

MAR - 8 2010

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ENTERED DIRECTOR'S JOURNAL
Columbus, OH 43216-1049

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.

MAR 08 2010

Mr. Tony Furguele, General Manager
Republic Services of Ohio III, LLC
5131 Drinkle Road
Amanda, OH 43102

By: Derek Lassiter Date: 3-8-10

**Re: Fairfield Sanitary Landfill, Fairfield County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b) Approval**

Dear Mr. Furguele:

On December 14 and 31, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Central District Office (CDO) received a document titled October 2009 Sampling Report, dated December 21, 2009 for the Fairfield Sanitary Landfill (Facility) located in Fairfield County. This document was submitted by Eagon and Associates, Inc., on behalf of Republic Services of Ohio III, LLC. pursuant to OAC Rule 3745-27-10(E)(9)(b). The document requested reinstatement of the ground water detection monitoring program for specific monitoring wells at the Facility and to release the owner or operator from the obligation to comply with the ground water quality assessment monitoring program implemented due to the detection of statistically significant changes for sodium in monitoring wells 103 and 105RR during the October 19, 2009, ground water sampling event at the Facility.

Pursuant to OAC Rule 3745-27-10(E)(9)(b), 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 from natural variation in ground water quality and request that the director approve reinstatement of the detection monitoring program.

The December 21, 2009, document concluded that the statistically significant changes for sodium at monitoring well 103 was due to natural variation in ground water quality and monitoring well 105RR was caused by a high bias due to the use of a particular instrument at the testing laboratory, and not as a result of impact from the landfill. Ohio EPA has reviewed the applicable information and concurs with this conclusion. Therefore, pursuant to OAC Rule 3745-27-10(E)(9)(b), I hereby approve reinstatement of the ground water detection monitoring program for the monitoring wells in the ground water quality assessment monitoring program, noted above, and release the owner or operator from the obligation to comply with this assessment monitoring program at the Facility. This approval of reinstatement of the detection monitoring program applies to monitoring wells 103 and 105RR.

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

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Republic Services of Ohio III, LLC
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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 the ground water quality assessment monitoring program in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program pursuant to OAC Rule 3745-27-10(D)(7)(c).

This approval shall not be construed to release the owner or operator from the obligation to comply with the requirements of any other ground water quality assessment monitoring program being conducted at the Facility.

You are hereby notified that this action of the 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, made payable to "Ohio Treasurer Kevin Boyce," 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 concerning this letter, please contact Allan Hurtt of Ohio EPA, DSIWM/CDO at (614) 728-3889.

Sincerely,



Isaac Robinson III, Chief
Central District Office
for Chris Korleski, Director

c: Duane Snyder, DSIWM-CDO
Scott Hester, DSIWM-CO
Jennifer Valentine, Fairfield Department of Health