



State of Ohio Environmental Protection Agency

Southeast District Office

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OHIO E.P.A.
AUG 17 2010

ENTERED DIRECTOR
Jed Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

August 17, 2010

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.

Mr. Frank Fello
Suburban Landfill, Inc
3415 Township Road 447
Glenford, OH 43739

By: Jerry Lassiter Date: 8-17-10

**RE: Suburban Landfill, Perry County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b) Approval**

Dear Mr. Fello:

On April 12, 2010, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southeast District Office (SEDO), received a document titled *Request to Return to Detection Monitoring and Update Background for Statistical Analysis*, dated April 12, 2010, for the Suburban Landfill (Facility) located in Perry County. This document was submitted by Eagon & Associates on behalf of Waste Management, pursuant to OAC Rule 3745-27-10(E)(9)(b), and 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 chloride and potassium in Monitoring Well 107C and for potassium in Monitoring Well P-117C during the April 7, 2008, 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 April 12, 2010, document concluded that the statistically significant changes for chloride and potassium in Monitoring Well 107C and for potassium in Monitoring Well P-117C were due to natural variation in ground water quality, 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 107-C and P-117C.

SUBURBAN LANDFILL
PAGE 2 of 2

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 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, Ohio 43215

If you have any questions concerning this letter, please contact Peter C Thompson of Ohio EPA, SEDO at 740/380-5219.

Sincerely,



Craig Butler, Chief
District Office
for Chris Korleski, Director

CB/PT/jg

cc: Steve Rine DSIWM-SEDO
Scott Hester, DSIWM-CO
Paul Montgomery, Perry County Health Department