OhioEPA
State of Ohio Environmental Protection Agency

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OHIO E.P.A.
DEC 23 2010
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.
By: [signature] Date: 12-23-10

DEC 23 2010

Ms. Robin Jones
Project Manager Closed Sites
Waste Management
P.O. Box 13506
Dayton, Ohio 45413

Re: ELDA Recycling and Disposal Facility Closed Landfill, Hamilton County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval

Dear Ms. Jones:

On August 16, 2010, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO) received a document titled "*2010 First Semiannual Ground-Water Results and Statistical Analysis, ELDA Recycling and Disposal Facility*", dated August 12, 2010, for ELDA Recycling and Disposal Facility (Facility) located in Hamilton County. This document was submitted by Eagon & Associates Inc., on behalf of Waste Management, Inc., and provides analysis from the June 1 and 2, 2010 ground water sampling events at the Facility.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant change was detected: chloride in monitoring well E-24.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), 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 natural variation in ground water quality. A report documenting this demonstration must be submitted to and approved by Ohio EPA. If the owner or operator does not obtain approval to continue detection monitoring within two hundred ten (210) days from initial sampling, the owner or operator is required to comply with the provisions of OAC Rule 3745-27-10(E) for ground water quality assessment monitoring.

The August 12, 2010 document concluded that the statistically significant change for chloride at monitoring well E-24 does not appear to be a result of a release from landfill. Ohio EPA determined that due to the lack of other statistically significant indicator parameters detected at E-24 and no appendix II detections, it does not appear that the elevated chloride observed in E-24 is related to a leachate impact and is likely the result of a source other than the landfill.

Ohio EPA has reviewed the applicable information and demonstration included in the August 12, 2010 document. Therefore, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator is hereby authorized to continue the detection monitoring program at the Facility for monitoring well E-24.

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 assessment monitoring in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program.

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, OH 43215

If you have any questions concerning this letter, please contact John McGinnis of Ohio EPA, SWDO at (937) 285-6449.

Sincerely,

Bonnie B. Butler for

Jeff G. Hines, District Chief/SWDO
for Chris Korleski, Director,
Ohio Environmental Protection Agency

cc: Tracy Buchanan, DSIWM-SWDO
Scott Hester, DSIWM-CO
Richard Thornburg, Cincinnati Health Department