



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

MAY -6 2011

ENTERED DIRECTOR'S JOURNAL

MAY 06 2011

Ashland County Commissioners
Ashland County Courthouse
110 Cottage Street
Ashland, Ohio 44805

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: John R. Kasich Date: 5-6-11

**Re: Ashland County Landfill, Ashland County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b)
Response to Request to Reinstate Detection Monitoring**

Dear Commissioners:

On December 13, 2010, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a document titled "*Notification of Statistical Significance, Alternate Source Demonstration for Well SW-9*," dated December 10, 2010, for the Ashland County Landfill (Facility), located in Vermillion Township, Ashland County, Ohio. This document was submitted by Hull and Associates, Inc. (HAI) on behalf of the owner/operator, pursuant to OAC Rule 3745-27-10(E)(9)(b), for reinstatement of detection monitoring 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 10, 2010, document concluded that the statistically significant changes for arsenic and ammonia nitrogen in well SW-9 during the September 22, 2010, sampling event, and November 1, 2010, re-sampling event were due to a source other than the sanitary landfill facility, and not as a result of impact from the landfill.

Ohio EPA has reviewed the applicable information and has determined that the owner or operator has not provided sufficient evidence to demonstrate that the statistically

significant increases of arsenic and ammonia nitrogen in well SW-9 were due to a source other than the Facility. Therefore, I cannot grant approval to reinstate the ground water detection monitoring program for monitoring well SW-9 at the Facility. The owner or operator shall comply with the ground water quality assessment program pursuant to OAC Rule 3745-27-10(E).

A detailed account of Ohio EPA's review of the ground water demonstration will be sent to you in separate correspondence.

You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code Section 3745.04. 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 "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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 Tyler Madeker of Ohio EPA, NWDO at (419) 373-3078.

Sincerely,



Scott J. Hally, Director

- pc: Ashland County Health Department
William Petruzzi, Hull & Associates, Inc.
Scott Hester, DMWM-CO
Dale McLane, DDAGW-NWDO
Jack Leow, DDAGW-NWDO
Mike Reiser, DMWM-NWDO
5-10038