

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 844-3020 FAX: (614) 844-3184
www.epa.state.oh.us

OHIO E.P.A.

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

JAN 30 2008

ENTERED DIRECTOR'S JOURNAL

CERTIFIED MAIL

JAN 30 2008

Mr. Patrick J. Lang
Director of Law
City of Athens
Law Administrative Building, Suite 301
Athens, Ohio 45701-2411

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:  Date: 1-30-08

**Re: Amended Closure Plan Approval
Athens City Service Garage
Drain Well and Former Paint Shop Area
OHD 987 002 052**

Dear Mr. Lang:

On July 25, 2007, the City of Athens submitted to Ohio EPA an amended closure plan for the Athens City Service Garage drain well and former paint shop area located at 387 West State Street in Athens, Ohio. Revisions to the amended closure plan were received on November 21, 2007 and December 24, 2007. The amended closure plan was submitted pursuant to rule 3745-66-12 of the Ohio Administrative Code (OAC) in order to demonstrate that the City of Athens's proposal for amended closure complies with the requirements of OAC rules 3745-66-11 and 3745-66-12.

The owner or operator and the public were given the opportunity to submit written comments regarding the amended closure plan in accordance with the hazardous waste rule requirements. No public comments were received by Ohio EPA.

Based upon review of the City of Athens's submittal and subsequent revisions, I conclude that the amended closure plan for the hazardous waste facility at 387 West State Street in Athens, Ohio, as modified herein, meets the performance standard contained in OAC rule 3745-66-11 and complies with the pertinent parts of OAC rule 3745-66-12.

The amended closure plan submitted to Ohio EPA on July 25, 2007, and revised on November 21, 2007 and December 24, 2007 by the City of Athens is hereby approved with the following modifications:

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

1. Section 7.0 Post-Remediation Sampling and Analysis Plan-The revised closure plan states, "the post-injection investigation will include the installation of up to 8 soil borings... for the collection of soil and ground water samples" to evaluate the effectiveness of the sodium persulfate injections. The revised closure plan is modified to clarify that a minimum of 8 post-injection soil borings will be installed in the locations depicted in Figure 7 of the revised closure plan.
2. Section 7.0 Post-Remediation Sampling and Analysis Plan and Section 8.0 Determination of Remedial Option Effectiveness-Post-injection soil and ground water samples will be taken from 8 locations within one month of the sodium persulfate injections. The analytical results will be compared to the standards listed in Table 3 of the revised closure plan to determine the effectiveness of the sodium persulfate injections. If any of the soil or ground water levels exceed cleanup standards, this would be considered an unexpected event requiring an amendment of the closure plan pursuant to OAC rule 3745-66-12(C).

In addition, monitoring wells M7 and MPI-3 will be sampled monthly for four consecutive months following the sodium persulfate injections. The analytical results will be compared to the maximum contaminant levels (MCLs) listed in Table 3 of the revised closure plan to determine the effectiveness of the sodium persulfate injections. If any of the ground water levels exceed MCLs during the fourth sampling event, this would be considered an unexpected event requiring an amendment of the closure plan pursuant to OAC rule 3745-66-12(C).

3. Section 7.2 Direct-Push Soil Probes-On page 27, the closure plan states that "Soil samples will be collected in 2-foot intervals for both laboratory and headspace analysis." Then on page 30, the plan states that "one soil sample will be collected at an intermediate depth (5 to 15 feet) and a second sample will be collected immediately above the water table (15 to 20 feet)."

To clarify which samples must be selected for laboratory and headspace analysis, the closure plan is modified as follows. These modifications are also necessary to ensure that the integrity of the samples is maintained.

- a. At a minimum, two soil samples must be collected for laboratory analysis from each sampling location: one soil sample must be collected at an intermediate depth (5 to 15 feet) and a second sample must be collected immediately above the water table (15 to 20 feet). To prevent sample volatilization, these samples must be taken directly from the sampler immediately upon opening the core and must not be transferred into an air-tight plastic bag as outlined in Section 7.2.3.

- b. Soil samples must be collected in 2-foot intervals for headspace analysis. If it is determined that an additional soil sample is required for laboratory analysis based on the headspace analysis results, a new soil probe must be completed within a foot of the original location. After advancing the direct-push sampling unit to the intended depth interval, the encore sample must be collected directly from the sampler immediately upon opening the core.
4. Section 8.2 Groundwater Evaluation-This section states, "Once the MCLs have been met for the COCs, post-closure monitoring as outlined in the approved closure plan will continue until the applicable post-closure monitoring requirements have been met." The closure plan that was approved on June 26, 2002 states that "ground water monitoring will be performed on a quarterly basis until COCs have not been detected above MCLs and/or risk-based clean up objectives for eight consecutive quarters..." The second sampling event that shows existing ground water contamination above MCLs and/or risk-based cleanup levels would be considered an unexpected event requiring an amendment of the closure plan pursuant to OAC rule 3745-66-12(C).

Compliance with the approved closure plan, especially including the modifications specified herein, is expected. Ohio EPA will monitor such compliance. Ohio EPA expressly reserves the right to take action, pursuant to chapters 3734, and 6111, of the Ohio Revised Code, and other applicable law, to enforce such compliance and to seek appropriate remedies in the event of noncompliance with the provisions and modifications of this approved closure plan. Please be advised that approval of this amended closure plan does not release the City of Athens from any responsibilities regarding corrective action for all releases of hazardous waste or constituents from any waste management unit, regardless of the time at which waste was placed in the unit.

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 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:

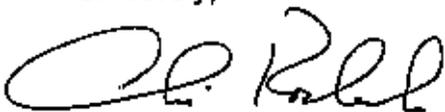
Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

When closure is completed, OAC rule 3745-66-15 requires the owner or operator of a facility to submit to the Director of Ohio EPA, certification by the owner or operator and an independent, registered professional engineer, that the facility has been closed in accordance with the approved closure plan. The certification by the owner or operator shall include the statement found in OAC rule 3745-50-42(D). These certifications should be submitted to:

Ohio Environmental Protection Agency
Division of Hazardous Waste Management
Attention: Dave Sholtis, Assistant Chief
Regulatory and Information Services Section
P.O. Box 1049
Columbus, Ohio 43216-1049

Ohio EPA, Division of Hazardous Waste Management, strongly encourages you to consider pollution prevention options for any processes at your facility that generate waste. While implementation of pollution prevention options is not required by Ohio laws and regulations, the application of waste minimization practices may help reduce the expense of remedial activities. Additionally, implementation of pollution prevention options may prevent the creation of new units and, as a result, eliminate the requirement to submit a closure plan in the future. For assistance in identifying and implementing pollution prevention options, contact Melody Stewart at (740) 380-5256.

Sincerely,



Chris Korleski
Director

cc: Dave Sholtis, Assistant Chief, DHWM
Ed Lim, Manager, ERAS, DHWM
Dale Meyer, EPA, Region 5
Jim Sferra, Supervisor, DHWM, SEDO
Melody Stewart, DHWM, SEDO
Steve Williams, DDAGW, SEDO
ec: Jeremy Carroll, Supervisor, DHWM
J. Scott Dailey, Burgess & Niple, Inc.