



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

OHIO E.P.A.

SEP 11 2014

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.

ENTERED DIRECTOR'S JOURNAL

By: Janet Lassiter Date: 9-11-14

SEP 11 2014

Mr. Frank Dockery
District Manager
2460 S. Gettysburg Avenue
Dayton, OH 45418

RE: Pinnacle Road RDF
Director's Authorization
Approval
Municipal Solid Waste Landfill
Montgomery County
MSWL019951

**Subject: Pinnacle Road RDF, Montgomery County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval**

Dear Mr. Dockery:

On May 23, 2014, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a document titled, "2014 First Semiannual Ground-Water Detection Monitoring Report OAC 3745-27-10(D)(7)(C)(ii) Demonstration Approval Request," dated May 20, 2014, for the Pinnacle Road Recycling and Disposal Facility (Facility) located in Montgomery County. This document was submitted by Eagon & Associates Inc., on behalf of Waste Management, Inc., and contains the ground water sampling results and the statistical analysis from the March 11, 12, and 13, 2014 ground water sampling events at the Facility.

According to the document, analysis of the ground water detection monitoring data indicates that the following statistically significant changes were detected: chemical oxygen demand (COD) in monitoring well MW-10T; chloride in monitoring well MW-7T, MW-9TD, MW-10T, MW-10AQ and MW-11TS; and sodium in monitoring well MW-10AQ.

Pursuant to Ohio Administrative Code (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 not later than 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.

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Waste Management, Inc.
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The May 20, 2014 document supports the conclusion that the statistically significant changes for COD at monitoring well MW-10T; chloride at monitoring well MW-7T, MW-9TD, MW-10T, MW-10AQ and MW-11TS; and sodium at monitoring well MW-10AQ 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 the demonstration included in the May 20, 2014 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 wells MW-7T, MW-9TD, MW-10T, MW-10AQ and MW-11TS.

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 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
77 South High St., 17th Floor
Columbus, Ohio 43215

If you have any questions concerning this action, please contact Greg Brown in the Ohio EPA Southwest District Office at (937) 285-6407.

Sincerely,



Bonnie Buthker, Chief
Southwest District Office
for Craig W. Butler, Director

ec: Michelle Ackenhausen, DMWM/SWDO
Paul Stuart, Public Health, Dayton and Montgomery County