



State of Ohio Environmental Protection Agency

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P.O. Box 1049
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**RE: HARDY ROAD LANDFILL
SUMMIT COUNTY
GROUND WATER MONITORING
OAC 3745-27-10(D)(7)(c) APPROVAL**

Stephen A. Dubetz, P.E., P.S.
Manager, Engineering Services Division
City of Akron Department of Public Service
Bureau of Public Works
1436 Triplett Blvd.
Akron, Ohio 44306

Dear Mr. Dubetz:

The Ohio Environmental Protection Agency (Ohio EPA) received a ground water demonstration, submitted pursuant to Ohio Administrative Code (OAC) 3745-27-10, regarding Hardy Road Landfill. The demonstration was submitted by Eagon & Associates on behalf of Waste Management, Inc. and the city of Akron. Hardy Road Landfill is owned by the city of Akron and operated by Akron Regional Landfill, Inc., a subsidiary of Waste Management of Ohio, Inc.

The demonstration indicates that during the November 2004 ground water sampling event, the following statistically significant increases were detected: sodium in monitoring well MW-21, and cadmium in monitoring well MW-22.

Pursuant to OAC 3745-27-10(D)(7)(c)(i), the owner or operator may demonstrate that the statistically significant increase was a false positive. The demonstration indicates that the sodium increase in monitoring well MW-21 was a false positive due to natural variation of the ground water. Resampling of MW-21 shows sodium to be within background levels.

Pursuant to OAC 3745-27-10(D)(7)(c)(ii), the owner or operator may demonstrate that the statistically significant increase was due to natural variation in the ground water. The demonstration contained adequate supporting information from upgradient and sidegradient monitoring wells that sufficiently show that the significantly significant increase cadmium in monitoring well MW-22 was due to natural variation of the ground water.

Ohio EPA concurs with the demonstration and approves continuation of the detection monitoring program, pursuant to OAC 3745-27-10(D)(7)(c), for the two monitoring wells and parameters specified above. Upon the effective date of this approval, the owner or operator is not required to comply with OAC 3745-27-10(E) and (F) for the aforementioned sampling event in regard to monitoring wells MW-21, and MW-22.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

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Should future or existing ground water sampling results indicate statistically significant increases in ground water monitoring parameters, the facility owner or operator will be required to enter into assessment monitoring, pursuant to OAC 3745-27-10(D) and (E), or obtain an approval to remain in the detection monitoring program.

Therefore, pursuant to OAC 3745-27-10(D)(7)(c), the owner/operator is hereby authorized to remain in detection monitoring at ground water monitoring wells MW-21 and MW-22, pursuant to OAC 3745-27-10(D)(7)(c)(i) and (ii).

Nothing in this authorization shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This authorization shall not be interpreted to release the owner or operator or others from responsibility under Ohio Revised Code Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, or the Comprehensive Environmental Response, Compensation and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants from the facility to the environment.

You are hereby notified that this action of the Director of Environmental Protection 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 30 days after notice of the director's action. Notice of the filing of the appeal shall be filed with the director within three days after the appeal is filed with the commission. An appeal may be filed with the 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 document, please contact Dave Dysle, Ohio EPA, Northeast District Office at (330) 963-1286.

Sincerely,

William Skowronski
District Chief

WS/DD/cl

cc: Scott Hester, DSIWM, CO
Lynn Sowers, DSIWM, NEDO
John Schmidt, DSIWM, NEDO
Doug Dobransky, DDAGW, NEDO
Julie Brown, Akron Health Department
Timothy Haff, Akron Regional Landfill, Inc.
File: [LAND/Hardy Road/AUTH/77]