



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

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

Waste Management
Mr. Frank Fello
3415 Twp. Rd #447
Glenford, OH 43739

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

Dear Mr. Fello,

On December 1, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a document titled "2006 Second Semiannual Groundwater Results And Statistical Analysis for the Pinnacle Road RDF" dated November 29, 2006, for the Pinnacle Road RDF located in Montgomery County. This document was submitted by Eagon & Associates, Inc., on behalf of Pinnacle Road RDF and contains the ground water sampling results and the statistical analysis from the September 18-20, 2006, ground water sampling event at the Facility.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant changes were detected: chloride in monitoring wells MW-11TS, MW-7T, and MW-10AQ.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator may demonstrate that a source other than the landfill caused the contamination, or that the statistically significant increase over background resulted from error in sampling, analysis, 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 November 29, 2006 document concluded that the statistically significant changes for chloride in monitoring wells MW-11TS, MW-7T, and MW-10AQ were due to natural variation in ground water quality, and not as a result of impact from the landfill. Monitoring wells MW-11TS, MW-7T, and MW-10AQ were originally sampled on September 18-20, 2006.

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

*Ohio EPA is an Equal Opportunity
Employer*

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the November 29, 2006, 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-11TS, MW-7T, and MW-10AQ.

Should future or existing ground water sampling results indicate statistically significant changes in the 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 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 (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 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 Appeal 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 letter, please contact Betty Arthungal of the Ohio EPA, SWDO at (937) 285-6357.

Sincerely,

Thomas A. Winston, P.E.
Chief, Southwest District Office
for Chris Korleski
Director, Ohio Environmental Protection Agency

cc: Tracy Buchanan, DSIWM-SWDO
Jeffery Mullins, Montgomery County Health Department
Greg Brown, Ohio EPA, SWDO, DDAGW