



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

June 30, 2008

Mr. Rick Kostelnick  
Noble Road Landfill  
170 Noble Road East  
Shiloh, Ohio 44878

**Re: Noble Road Landfill, Richland County  
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b) Approval**

Dear Mr. Kostelnick:

On March 31, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a document titled "*OAC 3745-27-10(D)(7)(c)(i) Demonstration for Copper in BW-9, Chloride in BW-10, Copper in BW-11, Copper in BW-12, Chloride and Copper in BW-15, Chromium in MW-12, and Chloride in MW-16, and OAC 3745-27-10(D)(7)(c)(ii) Demonstration for Nickel and Potassium in BW 15, Nickel in MW-9 and MW-10R, and Nickel and Copper in MW-15 Noble Road Landfill, Shiloh, Ohio*" dated March 28, 2008 for the Noble Road Landfill (Facility) located in Richland County. Corrections to the original submittal were received April 23, 2008. These documents were submitted by Eagon and Associates, on behalf of the owner/operator of Noble Road Landfill and contain the ground water sampling results and the statistical analysis for samples collected in the November 5, through November 7, 2007 sampling event and the January 16, and 17, 2008 resampling event. Since the time limits in accordance with OAC Rule 3745-27-10(D)(7)(c)(ii) were exceeded, Ohio EPA has reviewed this request pursuant to OAC Rule 3745-27-10(E)(9)(b).

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 March 28, 2008, and April 23, 2008 documents concluded that the statistically significant change for potassium at well BW-15 was due to natural variation in ground water quality, and not as a result of impact from the landfill. The March 28, 2008, and

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

April 23, 2008 documents also concluded that the statistically significant changes for nickel at wells BW-15, MW-9, MW-10R, MW-15, and copper at well MW-15 were due to an error in analysis, 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 March 28, 2008, and April 23, 2008 documents. Therefore, pursuant to OAC Rule 3745-27-10(E)(9)(b), the owner or operator is hereby authorized to continue the detection monitoring program at the Facility for monitoring wells BW-15, MW-9, MW-10R, and MW-15.

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 the ground water quality assessment monitoring program in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program pursuant to OAC Rule 3745-27-10(D)(7)(c).

This approval shall not be construed to release the owner or operator from the obligation to comply with the requirements of any other ground water quality assessment monitoring program being conducted at the Facility.

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 is final and may be appealed to the Environmental Review Appeals Commission (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, Ohio 43215

Mr. Rick Kostelnick  
Page 3

If you have any questions concerning this letter, please contact Tyler Madeker of Ohio EPA, NWDO at 419-373-3078.

Sincerely,

Shannon Nabors, Chief  
Northwest District Office  
for Chris Korleski, Director

cc: Joe Montello, Allied Waste  
Thomas Jenkins, Eagon and Associates, Inc.  
Andrea Barnes, Richland County Health Department  
Scott Hester, DSWIM-CO  
Jack Leow, DDAGW-NWDO, 5-7653-7693  
Randy Skrzyniecki, DDAGW-NWDO  
Tyler Madeker, DSIWM-NWDO