



State of Ohio Environmental Protection Agency

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May 20, 2009

Waste Management
Attn: 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 January 16, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a document titled "*Pinnacle Road RDF, Montgomery County, 2008 Second Semiannual Ground Water Detection Monitoring Report OAC 3745-27-10(D)(7)(c)(ii) Request for Director's Approval*". 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 November 3 through 5, 2008, semiannual ground water sampling event at the Facility. Resampling occurred December 12, 2008 and January 7, 2009. 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-7T, MW-11TS, MW-9TD, and MW-8AQ.

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 January 16, 2009 document concluded that the statistically significant changes for chloride in monitoring wells MW-7T, MW-11TS, MW-9TD, and MW-8AQ, were due to natural variation in ground water quality, and not as a result of impact from the landfill.

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

Monitoring wells MW-7T, MW-11TS, MW-9TD, and MW-8AQ were originally sampled on November 3 through 5, 2008.

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the January 16, 2009 document for chloride in monitoring wells MW-7T and MW-11TS, MW-9TD, and MW-8AQ. 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-11TS, MW-9TD, and MW-8AQ.

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
Paul Stuart, Montgomery County Health Department
Greg Brown, Ohio EPA, SWDO, DDAGW