



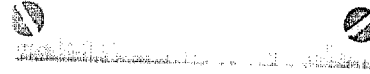
**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

JUN 26 2012


ENTERED DIRECTOR'S JOURNAL



June 26, 2012

Mr. Bob Downing
Montgomery County Public Works Department
Solid Waste Services Division
451 West Third Street
P.O. Box 972
Dayton, OH 45422-1326

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.

 Date 6.26.2012

**RE: Montgomery County Ash Monofill
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval**

Dear Mr. Downing:

On May 4, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO), received a document titled "August 2011 Sampling Report and Semiannual Corrective Measures Activities Report" dated April 27, 2012, for the Montgomery County Ash Monofill located in Montgomery County. This document was submitted by Eagon and Associates on behalf of Montgomery County and contains the ground water sampling results and the statistical analysis from the February 21-22, 2012 semiannual 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 change was detected: sodium in monitoring well MW 94-1.

Pursuant to 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, 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 April 27, 2012 document concluded that the statistically significant change for sodium at monitoring well MW 94-1 was due to natural variation in ground water quality, and not as a result of impact from the landfill. Monitoring well MW 94-1 was initially sampled on February 21-22, 2012. Ohio EPA has reviewed the applicable information and concurs with

Mr. Bob Downing
Montgomery County Public Works Department
Page 2 of 2

the demonstration included in the April 27, 2012 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 well MW 94-1.

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 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
77 South High Street
17th Floor
Columbus, Ohio 43215

If you have any questions concerning this document, please contact Betty Arthungal or John McGinnis of Ohio EPA, SWDO at (937) 285-6357.

Sincerely,



Bonnie Buthker
Chief, Southwest District Office
for Scott J. Nally, Director
Ohio Environmental Protection Agency

cc: Paul Stuart, PHDMC
Scott Hester, DMWM, CO
John McGinnis, DDAGW, SWDO
Tracy Buchanan, DMWM, SWDO