



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director



MAR 25 2019

Noah Wayt  
Waste Management, Inc.  
Statewide RDF  
12201 Council Drive  
North Jackson, Ohio 44451

**Re: Statewide Landfill  
Director's Authorization  
Approval  
Municipal Solid Waste Landfills  
Stark County  
MSWL019989**

**Subject: Statewide Landfill, Stark County  
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(7)(f)(i)  
Determination**

Dear Mr. Wayt:

Ohio EPA MAR 25 '19  
Entered Directors Journal

On December 10, 2018, the Ohio Environmental Protection Agency (Ohio EPA), Northeast District Office (NEDO) received the following document: *Groundwater Compliance Monitoring OAC 3745-27-10(E)(7)(f)(i) Request for Director's Approval, Statewide Recycling and Disposal Facility, Stark County*. The request was submitted by Waste Management.

Waste Management has conducted a ground water quality assessment at uppermost aquifer system (UAS) wells MWU-1, MWU-6, MWU-7, MWU-8R, MWU-13, MWU-15, and MWU-16. The determination of rate, extent, and concentration identified three non-hazardous waste derived constituents in ground water above background in the UAS at the facility. This included chloride at UAS wells MWU-1, MWU-6, MWU-7, MWU-8R, MWU-13, MWU-15, and MWU-16; and, additionally, included ammonia and potassium at MWU-15.

Ohio Administrative Code (OAC) Rule 3745-27-10(E)(7) allows the owner/operator to submit a compliance monitoring plan instead of a corrective measures plan, "if the release of waste-derived constituents to ground water as characterized within the report required under paragraph (E)(6) of this rule exclusively consists of one or more of parameters numbered 63 through 78 of appendix I to this rule..."

As the determination of rate, extent, and concentration was limited to three non-hazardous waste-derived constituents meeting this criterion, Waste Management chose

to submit a compliance monitoring plan covering UAS wells MWU-1, MWU-6, MWU-7, MWU-8R, MWU-13, MWU-15, and MWU-16.

According to the rules governing compliance monitoring, the owner/operator may request Director's approval to use an alternate method to establish an intrawell background for those contaminants determined to have been released to ground water. This language is contained in OAC Rule 3745-27-10(E)(7)(f)(i), which states, in part:

- "(7) ...The compliance monitoring plan shall at a minimum include the following:
- (f) Provisions for performing statistical analysis on the semiannual results...For statistical analysis, the owner or operator shall do the following:
    - (i) For contaminants determined to have been released to the ground water in accordance with paragraph (E)(5) of this rule, sample and analyze the monitoring wells designated under paragraph (E)(7)(a) of this rule at least eight times during the initial year of compliance monitoring to establish a new, intrawell background unless otherwise approved by the director. Statistical analysis shall commence with the first semiannual sampling event following completion of collecting the background samples."

Pursuant to this rule, Waste Management has requested that the Director approve the use of existing chloride data from UAS wells MWU-1, MWU-6, MWU-7, MWU-13, MWU-15, and MWU-16 to establish an intrawell background data set, rather than collect eight new samples during the initial year of compliance monitoring to establish a new background. Specifically, Waste Management has requested background periods for MWU-1, MWU-6, and MWU-7 from November 2014 to March 2018; MWU-13 from December 2015 to June 2018; and for MWU-15 and MWU-16 from April 2017 to June 2018. Waste Management also requested that the Director approve the use of existing ammonia and potassium data from UAS well MWU-15 to establish an intrawell background data set. The requested background period for MWU-15 ammonia and potassium data is March 2017 to June 2018.

Waste Management will collect eight chloride samples from UAS replacement well MWU-8R over the course of the first year of compliance monitoring and is not part of this request.

Based on the information contained in this request for Director's approval submitted pursuant to OAC Rule 3745-27-10(E)(7)(f)(i), I have determined that the use of the existing background periods, as specified above, will allow for the calculation of statistical limits capable of detecting any significant changes from the assessment conclusions; therefore, the collection of eight new samples to establish background periods from these wells within the first year after implementing the compliance monitoring program is not necessary. Please note, however, that this determination does not affect my authority under OAC Rule 3745-27-10(E)(7) to require Waste Management to undertake additional



activities necessary to prevent the continued release of waste-derived constituents to the ground water. Furthermore, Waste Management is required to continue to comply with paragraphs (C)(10), (E)(9), and (E)(10) of this rule.

This letter 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.

You are hereby notified that this action of the Director or Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 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 it is demonstrated 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  
30 East Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Mark Kroenke, Ohio EPA, Northeast District Office at (330) 963-1225.

Sincerely,



Laurie A. Stevenson  
Director

LAS:MK

ec: Jarnal Singh, Ohio EPA, NEDO, DMWM  
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