



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

October 19, 2020

Mr. Taylor Huffman
Gavin Power, LLC
7397 St. Rt. 7 North
P.O. Box #271
Cheshire Ohio 45620-0271

Re: James M. Gavin Landfill
Director's Authorization
Approval
Residual Solid Waste Landfills
Gallia County
RSWL018808

**Subject: James M Gavin Landfill, Gallia County
Ohio Administrative Code (OAC) Rule 3745-30-08(E)(5) Approval**

Dear Mr. Huffman:

On April 22, 2020, the Ohio Environmental Protection Agency (EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO) received a document titled *Phase B 24 Inch Groundwater Intercept Assessment Monitoring Report* for the James M. Gavin Landfill located at 7397 St. Rt. 7 North in Cheshire, Gallia County, Ohio. The document was submitted pursuant to OAC Rule 3745-30-08(E)(5) by ERM, on behalf of Gavin Power LLC, and requested the reinstatement of the ground water detection monitoring program at the Facility and to release the owner from the obligation to comply with the ground water assessment monitoring program.

Pursuant to OAC Rule 3745-30-08(E)(5), if the owner or operator determines, based on the results of the determination made according to paragraph (E)(2) of this rule, that no waste-derived constituents from the facility have entered the groundwater, then the owner or operator shall request that the director approve reinstatement of the detection monitoring program described in paragraphs (C) and (D) of this rule. Until the director approves reinstatement of the detection monitoring program, the owner or operator shall comply with paragraphs (E)(6) and (F) of this rule.

Ground water assessment had been implemented due to the detection of statistically significant changes for waste-derived constituents at the Phase B 24 Inch Groundwater Intercept monitoring point during the April 9, 2010 sampling event. The April 22, 2020 document presented the results of a determination made according to OAC Rule 3745-30-08(E)(2) and concluded that no waste-derived constituents from the Facility have entered the ground water. Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the April 22, 2020 document. Therefore, pursuant to OAC Rule 3745-30-08(E)(5), I hereby authorize the owner or operator to reinstate detection monitoring for the Phase B 24 Inch Groundwater Intercept monitoring point and release the owner or operator from the obligation to comply with this assessment monitoring program at the Facility.

Should future or existing groundwater sampling results indicate statistically significant changes over background in detection monitoring parameters, the owner or operator shall proceed in accordance with OAC Rule 3745-30-08(D)(9) in order to remain in the detection monitoring program or otherwise comply with the provisions of OAC Rule 3745-30-08(E).

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 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, 4th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Steve Lowry, DMWM, SEDO at steve.lowry@epa.ohio.gov.

Sincerely,



Harry Kallipolitis, Chief
Southeast District Office
for Laurie A. Stevenson, Director

LS/HK/SL/mr

ec: John McKean, Gallia County Health Department
Joseph Goicochea, DMWM, SEDO
Steve Lowry, DMWM, SEDO
Sara Anderson, DMWM, SEDO
Scott Sutliff, DMWM, CO