



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

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

Re: Gavin Power, LLC, RSWLF
Directors Authorization
Non-Approval
Residual Solid Waste Landfills
Gallia County
RSWL018808

**Subject: James M. Gavin Landfill, Gallia County
Ohio Administrative Code (OAC) Rule 3745-30-08(D)(9)(b) Non-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 *Groundwater Natural Variation Report for monitoring Wells 93105, 94138 and MW-15* for the James M. Gavin Landfill (Facility). The document was submitted pursuant to OAC Rule 3745-30-08(D)(9)(b) by ERM, on behalf of Gavin Power LLC, regarding the ground water sampling results and the statistical analyses from the October 29, 2019 sampling event at the Facility located at 7397 St. Rt 7 North, Cheshire, Gallia County, Ohio.

Pursuant to OAC Rule 3745-30-08(D)(9)(b), when the owner or operator demonstrates that the statistically significant increase is an error in statistical procedure or from natural variation in ground water quality, a report documenting this demonstration shall be submitted as an addendum to the results and data required in paragraph (C)(8) of this rule for approval by the director or her authorized representative. The owner or operator shall comply with paragraphs (D)(8) to (D)(12) of this rule until the demonstration report is approved.

According to the April 22, 2020 document, statistically significant changes for calcium, potassium, and sulfate in monitoring well MW-15 were due to natural variation of these constituents in groundwater and not as a result of impact from the landfill. Ohio EPA has reviewed the applicable information and has determined that the owner or operator has not provided sufficient evidence to demonstrate that the statistically significant changes for calcium, potassium, and sulfate at monitoring well MW-15 were due to natural variation of these constituents in groundwater, and not as a result of impact from the landfill. Therefore, I cannot approve reinstatement of the ground water detection monitoring program for monitoring well MW-15. The owner or operator shall comply with the ground water quality assessment monitoring program pursuant to 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 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 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,



Laurie A. Stevenson
Director, Ohio EPA

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