



State of Ohio Environmental Protection Agency

Southwest District Office

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Dayton, Ohio 45402

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

Clark Co.
Tremont LF
Groundwater
Con.

June 26, 2008

Tremont Landfill Company
C/O Mr. Tom Danis
110 North Main Street, Suite 1300
Dayton, Ohio 45402

**RE: TREMONT LANDFILL, CLARK COUNTY
DDAGW'S Response to the June 5, 2008 letter**

Dear Mr. Danis:

On June 6, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office, Division of Solid and Infectious Waste Management (DSIWM) received a document titled Response to Ohio EPA Correspondence Dated April 28, 2008, CEC Project No. 061-686, dated June 5, 2008 for the Tremont Landfill. This document was submitted as a response to Ohio EPA's letter dated April 28, 2008.

The document was submitted by Civil & Environmental Consultants, Inc. (CEC, Inc.) on behalf of the Tremont Landfill Company (TLC) owner/operator of the Tremont Landfill (Facility), located in Clark County. This Facility is subject to Ohio Administrative Code (OAC) Rule 3745-27-10 effective August 15, 2003.

DSIWM forwarded the documents to the Division of Drinking and Ground Waters (DDAGW) for review and comment. Based on a review of the information submitted, DDAGW provided the following comments:

Owner/operator statements to previously cited violations

1. "The inclusion of wells MW-7D, MW-1R and MW-8s in the detection monitoring report, even though these wells are currently in assessment, does not constitute any violation of applicable regulations. These wells were purposefully included within the most recent detection report statistical analyses as the cause for their reclassification as assessment wells was clearly apparent and has been corrected (non-groundwater related contamination resulting from casing damage (bentonite) and bullet fragments). Both the damage and repairs were clearly reported to Ohio EPA on April 27, 2007 (Confirmation Re-Sampling Results and Alternate Source Demonstration for the November 2006 Semiannual

Groundwater Monitoring Event at the Tremont Landfill, Ohio), March 20, 2007 (2006 Annual Groundwater Monitoring System Certification) and May 29, 2007 (Groundwater Quality Assessment Plan (GWQAP)). Accordingly, these wells will be returned to the detection monitoring status within the near term under applicable provisions of the detection monitoring regulations. As an uninterrupted chain of detection statistical analyses for these wells *even though temporarily classified as assessment wells* is both prudent and allowable under current rules, TLC's actions in this regard reflect effort exceeding applicable regulatory requirements rather than those violating applicable standards. Accordingly, no violation of detection monitoring requirements has occurred."

Ohio EPA does not agree with the aforementioned comments provided by CEC, Inc. TLC never satisfactorily addressed Ohio EPA's comments listed in the May 21, 2007 correspondence regarding TLC's Alternate Source Demonstration. As a result, monitoring wells MW-7D, MW-1R and MW-8S must continue to be sampled and reported in accordance with the assessment monitoring requirements established in OAC Rule 3745-27-10 (E).

In the May 21, 2007 correspondence (See attached letter), Ohio EPA explained why the alternate source demonstration(s) were not approved for monitoring wells MW-7D, MW-1R and MW-8S. Additionally, the type of information that Ohio EPA needed to evaluate the request was provided within the May 21, 2007 letter.

Since these wells statistically triggered into assessment and the OAC Rule 3745-27-10(D)(7)(c) request was never approved, the monitoring wells MW-7D, MW-1R and MW-8S should continue to be sampled, analyzed, statistically evaluated and reported in accordance with the assessment monitoring provisions pursuant to OAC Rule 3745-27-10(E), and not the detection monitoring provisions as CEC, Inc. maintains.

To return the affected wells to the detection monitoring program, TLC shall comply with the provisions of OAC Rule 3745-27-10(E)(9)(b). In the interim, TLC must continue to sample monitoring wells MW-7D, MW-1R and MW-8S as assessment monitoring wells. Failure to do so may result in additional Notice(s) of Violation.

2. "In contrast to the assertions made in Ohio EPA's correspondence, each of these wells has been sampled and reporting has occurred in full compliance with applicable assessment monitoring requirements *in addition to detection monitoring requirements*. Assessment sampling results for each well was clearly provided to Ohio EPA in the 2007 First Semiannual Detection Monitoring Report (August 3, 2007). Appendix A of this report includes the Appendix I and Appendix II analytical results as required in OAC 3745-27-10 (E)(5) and GWQAP. Again, as each well has been appropriately sampled and results reported, no violation has occurred."

Ohio EPA does not agree with the aforementioned comments provided by CEC, Inc. If a well statistically triggers into assessment monitoring, then the well must be sampled as an assessment monitoring well pursuant to OAC Rule 3745-27-10(E) and not sampled as a detection monitoring well. The facility must continue sampling these wells as assessment wells until a request to return the wells to detection monitoring in accordance with OAC Rule 3745-27-10(E)(9)(b) is granted by the director.

3. "As previously noted, monitoring wells MW-7D, MW-1R and MW-8s have been sampled and results reported in full compliance with applicable assessment monitoring requirements *in addition* to their continued sampling as detection monitoring wells. As reclassification of these wells as assessment monitoring points was clearly a result of well casing damage (including bullet fragments) and not groundwater related contamination, TLC elected to maintain an uninterrupted chain of detection monitoring data such that impacts of well repair could be evaluated against previous detection monitoring data. This is considered both prudent and appropriate given physical disturbance of the well which was required for repair. Nothing in this course of action constitutes a violation of applicable assessment monitoring regulations. Accordingly, no violation has occurred."

Ohio EPA does not agree with the aforementioned comments provided by CEC, Inc. As discussed in comment #1, Ohio EPA provided specific comments detailing the information needed to allow the affected wells to return to the detection monitoring program. This information was never received as requested by Ohio EPA. Since a request to return MW-7D, MW-1R and MW-8S to detection monitoring was never issued in accordance with OAC Rule 3745-27-10(D)(7)(c)(ii), then TLC is required to conduct and submit sample results in accordance with the assessment monitoring program pursuant to OAC Rule 3745-27-10(E).

Pursuant to OAC Rule 3745-27-10(E)(9)(b),

"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 director and request that the director approve reinstatement of the detection monitoring program.

Until the director approves reinstatement of the detection monitoring program, the owner or operator must comply with paragraphs (E)(10) and (F) of this rule."

Tremont Landfill, Clark County
DDAGW's response to the letter dated June 5, 2008
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Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

If you have any further questions regarding DDAGW's comments, please contact John McGinnis or me at (937) 285-6357.

Sincerely,



Maria Lammers, R.S.
Environmental Specialist
Ohio EPA-DSIWM

Enclosure

CC: Anne Kaup-Fett, Clark County Combined Health District
Dale Vitale, Ohio Attorney General's Office
Michael W. Krumholtz, Attorney- Bieser, Greer and Landis
Thomas T. Terp, Attorney-Taft, Stettinius & Hollister
Ralph Hirshberg, Civil and Environmental Consultants, Inc.

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attachment
to 6-28-08
Nov letter



State of Ohio Environmental Protection Agency

Tremont LF
GW Corr.

Southwest District

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

COPY

May 21, 2007

Tremont Landfill Company
c/o Mr. Tom Danis
110 N. Main St, Suite 1300
Dayton, Ohio 45402

**RE: TREMONT LANDFILL, CLARK COUNTY
DDAGW'S REVIEW OF THE CONFIRMATION RE-SAMPLING
RESULTS AND ALTERNATE SOURCE DEMONSTRATION FOR THE
NOVEMBER 2006 SEMIANNUAL GROUNDWATER MONITORING
EVENT AT THE TREMONT LANDFILL.**

Dear Mr. Danis:

On May 3, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office received the document titled Confirmation Re-sampling Results and Alternate Source Demonstration for the November 2006 Semiannual Groundwater Monitoring Event at the Tremont Landfill, Ohio CEC Project No. 061-686.0007, dated April 27, 2007 for the Tremont Landfill.

The documents were submitted by Civil & Environmental Consultants, Inc. on behalf of the Tremont Landfill Company (Owner) for the Tremont Landfill (Facility).

DSIWM forwarded the documents to the Division of Drinking and Ground Waters (DDAGW) for review and comment. Based on a review of the information submitted, DDAGW provided the following comments:

1. Ohio EPA does not accept the alternate source demonstration (ASD) for monitoring well MW-7D because the confirmation re-sampling for the parameters arsenic, lead and zinc exceeded the statistical limits. The claim that elevated parameters were due to the potential of a fragment of a bullet in the well did not seem to be a plausible explanation. Redevelopment of this well with a surge block and over pumping may help resolve this issue.

2. Ohio EPA does not accept the ASD for monitoring well MW-1R because the statistical plan would need to be updated to allow adjustments in the background data set.
3. Ohio EPA does not accept the ASD for monitoring well MW-8S because chloride concentrations are on an increasing trend from historical values for the Facility. Additional information in the form of trilinear diagrams comparing the wells to leachate is necessary in order to supplement this demonstration.

Based upon the initial sampling date of November 3, 2006, the Facility would automatically enter assessment by June 1, 2007. In addition an assessment plan is due to Ohio EPA, SWDO by May 28, 2007 for monitoring wells MW-7D, MW-1R, MW-8S pursuant to Ohio Administrative Code (OAC) Rule 3745-27-10(E)(5)(a).

If you have any further questions regarding DDAGW's comments, please contact Rich Bendula or me at (937) 285-6357.

Sincerely,



Maria Lammers, R.S.
Environmental Specialist
Ohio EPA-DSIWM

CC: Anne Kaup-Fett, Clark County Combined Health District
Dale Vitale, Ohio Attorney General's Office
Michael W. Krumholtz, Attorney- Bieser, Greer and Landis
Thomas T. Terp, Attorney-Taft, Stettinius & Hollister
Ralph Hirshberg, Civil and Environmental Consultants, Inc.

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