



State of Ohio Environmental Protection Agency

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July 1, 2009

Mr. Chris Jaquet
BFI-Lorain County II Landfill
43502 Oberlin-Elyria Rd.
Oberlin, Ohio 44074

**Re: BFI Lorain County II Landfill, Lorain County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b) Approval
and OAC Rule 3745-27-10(D)(7)(c)(i) Acknowledgment**

Dear Mr. Jaquet:

On March 17, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a document titled "*OAC Rule 3745-27-10(D)(7)(c)(i) Demonstration of a False Positive for Potassium at Well MW-3R; and OAC Rule 3745-27-10(D)(7)(c)(ii) Demonstration that the Statistical Exceedances for Ammonia at Well MW-205R and Sodium at Well MW-211S are not a Result of Landfill Activities, BFI – Lorain County II Landfill, Oberlin, Ohio*" dated March 16, 2009, for the Lorain County II Landfill (Facility) located in Lorain County. The document was submitted by Brown and Caldwell, on behalf of BFI- Lorain County II Landfill and contains the statistical analysis for samples collected during the October, 2008, sampling event and the December, 2008, and January, 2009 re-sampling events.

The March 16, 2009 document contains a demonstration to release BFI Lorain II Landfill from the obligation to comply with the ground water quality assessment monitoring program due to the detection of statistically significant changes for contaminants detected in certain monitoring wells. Since the time limits in accordance with OAC Rule 3745-27-10(D)(7)(c)(ii) were exceeded, Ohio EPA has reviewed this request pursuant to OAC Rule 3745-27-10(E)(9)(b).

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, or statistical evaluation or from natural variation in ground water quality and request that the director approve reinstatement of the detection monitoring program.

The report indicates that monitoring well MW-3R had triggered for potassium, MW-205R had triggered for ammonia, and MW-211S had triggered for sodium in the October,

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

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2008 sampling event. Verification sampling was performed in December, 2008 and January, 2009. Analysis of the re-sampling data demonstrated that the statistically significant change for potassium at monitoring well MW-3R was a false positive. Therefore, monitoring well MW-3R was automatically returned to the detection monitoring program pursuant to OAC Rule 3745-27-10(D)(7)(c)(i). Ohio EPA acknowledges the return of this well to the detection monitoring program. However, the re-sampling data verified the statistically significant changes for ammonia and sodium at monitoring wells MW-205R and MW-211S, respectively.

Since the results confirmed that ammonia and sodium were above the prediction limit, an OAC 3745-27-10(D)(7)(c)(ii) demonstration was provided. The March 16, 2009 document concluded that the statistically significant changes for ammonia at monitoring well MW-205R, and sodium at monitoring well MW-211S were due to natural variation, and, possibly the influence of road salt (for the sodium), and not as a result of impact from the landfill.

As noted above, Ohio EPA used OAC 3745-27-10(E)(9)(b) to review the applicable information, and we concur with this conclusion. Therefore, pursuant to OAC Rule 3745-27-10(E)(9)(b), I hereby approve the reinstatement of the ground water detection monitoring program for the monitoring wells in the ground water quality assessment monitoring program noted above and release BFI Lorain II Landfill from the obligation to comply with the assessment monitoring program at the Facility. This approval of reinstatement of the detection monitoring program applies to monitoring wells MW-205R and MW-211S

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 the ground water quality assessment monitoring program in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program pursuant to OAC Rule 3745-27-10(D)(7)(c).

This approval 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 is final and may be appealed to the Environmental Review Appeals Commission (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 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment

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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
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Clarissa Gereby of Ohio EPA, NEDO at 330-963-1224.

Sincerely,

William Skowronski, Chief
Northeast District Office
for Chris Korleski, Director

cc: Joe Montello, Allied Waste
Joe Warburton, Brown and Caldwell Ohio, LLC
John Sabo, Lorain County Health Department
Scott Hester, DSIWM-CO
Jennifer Kurko, DSIWM-NEDO
Project ID # 2389