



State of Ohio Environmental Protection Agency

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ENTERED DIRECTOR'S JOURNAL

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I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

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

By Jerry Lassiter Date: 2-3-10

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

Dear Mr. Jaquet:

On October 2, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a document titled "Submittal of VOC Sampling Results for Wells MW-4 and MW-5, and OAC Rule 3745-27-10(D)(7)(c)(ii) Demonstration that the Statistical Exceedances for Sodium at Well MW-3R, Potassium at Well MW-204, and Chloride at Well MW-211S are not a Result of Landfill Activities, BFI-Lorain County II Landfill, Oberlin, Ohio" dated October 1, 2009, for the Lorain County II Landfill (Facility) located in Lorain County. The "Submittal of VOC Sampling Results for MW-4 and MW-5" portion of the submittal is not being reviewed in this correspondence. The demonstration was submitted by Brown and Caldwell, as an OAC 3745-27-10(D)(7)(c)(ii) demonstration, but since the 210 day deadline for approval expired on December 17, 2009, the document was reviewed as an OAC 3745-27-10(E)(9)(b) demonstration. The demonstration reports that a source other than the landfill was responsible for the statistically significant increase in wells MW-3R, MW-204 and MW-211S for the May 2009 sampling event. The wells were sampled May 20, 2009.

Pursuant to OAC 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 October 1, 2009 document concluded that the statistically significant increases in sodium, chloride, and potassium at monitoring wells MW-3R, MW-211S, and MW-204, respectively, are likely due to natural variation. Monitoring well MW-3R had triggered for sodium (130 mg/L), MW-204 triggered for potassium (11 mg/L), and MW-211S had

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

triggered for chloride (67 mg/L). The associated prediction limits are 88.62 mg/L, 7.226 mg/L, and 46.37 mg/L, respectively. An intra-well statistical analysis was applied to the data using the proposed (June 22, 2009) updated background data set. Sodium and potassium did not exceed the updated prediction limits of 260 mg/L and 18 mg/L. Chloride, however, did exceed the new prediction limit of 54 mg/L (Brown and Caldwell, December 11, 2009 phone call). This prompted the owner/operator to re-sample monitoring well MW-211S on July 15, 2009. The July re-sample confirmed the exceedance of chloride at 69 mg/L. Although the concentrations of sodium and potassium fell below the new prediction limit, approval of the proposed update of background has not been finalized. Therefore, additional information was provided to support that the statistical exceedances, in all three wells, were not a result of a release from the landfill and that the reported concentrations of sodium, potassium and chloride were the result of natural variation.

Based on Ohio EPA's review, the demonstration submitted as a OAC 3745-27-10(D)(7)(c)(ii), but reviewed under OAC 3745-27-10(E)(9)(b), for monitoring wells MW-3R, MW-204 and MW-211S, appears to support that these wells should return to detection monitoring. Since the concentrations at which these three parameters "triggered" are relatively low, Ohio EPA continues to recommend that the owner/operator modify the statistical analysis procedures to account for natural variation pursuant to OAC 3745-27-10(C)(7)(f). The statistical analysis plan (StAP) should be revised accordingly.

Ohio EPA has reviewed the applicable information and concurs with the conclusion that the statistically significant increases in sodium, chloride, and potassium are likely due to natural variation. Therefore, pursuant to OAC Rule 3745-27-10(E)(9)(b), I hereby approve reinstatement of the ground water detection monitoring program for the monitoring wells in the ground water quality assessment monitoring program, noted above, and release the owner or operator from the obligation to comply with this assessment monitoring program at the Facility. This approval of reinstatement of the detection monitoring program applies to monitoring wells MW-3R, MW-204 and MW-211S.

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 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 "Ohio Treasurer Kevin Boyce," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship.

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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, OH 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, Ohio EPA

WS/CK/CG/cl

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 # 2836