



State of Ohio Environmental Protection Agency

OHIO E.P.A.

MAR - 8 2010

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MAR 08 2010

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.

Richard H. Balbier, Mayor
City of Brooklyn
7619 Memphis Avenue
Brooklyn, OH 44144

By: John Cassiter Date: 3-8-10

**Re: Brooklyn Landfill, Cuyahoga County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval**

Dear Honorable Richard Balbier:

On December 17, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received the Groundwater Monitoring Report City of Brooklyn Sanitary Landfill October 2009 Semi-annual Groundwater Sampling Event, dated December 18, 2009, for the Brooklyn Landfill (Facility) located in Cuyahoga County. This document was submitted by Civil & Environmental Consultants, Inc. on behalf of the City of Brooklyn, and contains the ground water sampling results and the statistical analysis from the October 2009 ground water sampling event at the Facility.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant change was detected: sodium concentration of 166 mg/l in monitoring well MW-12. Therefore, Brooklyn prepared trend plots from both up-gradient wells, and un-impacted down-gradient wells that demonstrate that sodium levels generally vary naturally over time while concentrations of other waste derived constituent indicator parameters such as chloride and potassium are all below background levels. Likewise, all appendix I volatile organic compounds (VOC), which are indicators of groundwater impacted by waste derived constituents, are below non-detect, and organic indicator parameters of potential waste derived constituents such as ammonia are below background.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), 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 natural variation in ground water quality. A report documenting this demonstration must be submitted to and approved by Ohio EPA. If the owner or operator does not obtain approval to continue detection monitoring within two hundred ten (210) days from initial sampling, the owner or operator is required to comply with the provisions of OAC Rule 3745-27-10(E) for ground water quality assessment monitoring.

The December 17, 2009 document concluded that the statistically significant change for sodium at monitoring well MW-12 was due to natural variation in ground water quality, and not as a result of impact from the landfill.

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

The Honorable Richard Balbier
Mayor, City of Brooklyn
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Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the December 17, 2009 document. Therefore, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator is hereby authorized to continue the detection monitoring program at the Facility for monitoring well MW-12.

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 assessment monitoring in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program.

A detailed account of Ohio EPA's review of the ground water demonstration will be addressed in a separate correspondence.

You are hereby notified that this action of the Director of Ohio EPA (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. 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 Colum McKenna of Ohio EPA, NEDO at (330) 963-1268.

Sincerely,



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

WS/CK/CM/cl

cc: Jennifer Kurko, DSIWM-NEDO
Scott Hester, DSIWM-CO

Colin Johnson, CCBH
John M. DiNunzio, CEC Consultants, Inc.