



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Balby, Director

OHIO E.P.A.

AUG 17 2012

August 17, 2012

ENTERED DIRECTOR'S JOURNAL

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. Thomas E. Lescher
Service Director
City of Avon Lake
750 Avon Belden Rd.
Avon Lake, Ohio 44012

By Tom Lescher Date: 8-17-12

**Re: Avon Lake Landfill, Lorain County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b)
Response to Request to Grant Reinstatement**

Dear Mr. Lescher:

On May 3, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO), received a document titled "Ohio Administrative Code (OAC) 3745-27-10(E)(9)(b) Demonstration Ground Water Monitoring Well MW-9" dated May 1, 2012, for the Avon Lake Landfill (Facility) located in Lorain County. This document was submitted by HZW Environmental Consultants, LLC (HZW) on behalf of the City of Avon Lake pursuant to OAC Rule 3745-27-10(E)(9)(b), and requested reinstatement of the ground water detection monitoring program for monitoring well MW-9, and to release the owner or operator from the obligation to comply with the ground water quality assessment monitoring program. The assessment monitoring program was implemented due to the detection of statistically significant changes for ammonia, sulfate, chloride, sodium and carbon disulfide at monitoring well MW-9 during the June 2010 ground water sampling event at the Facility.

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 changes 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 May 1, 2012 document concluded that the statistically significant changes in ammonia, sulfate, chloride, sodium and carbon disulfide at monitoring well MW-9 were due to a source other than the landfill or were attributed to laboratory error. Ohio EPA has reviewed the May 1, 2012 document and has determined that the owner or operator has not provided sufficient evidence to demonstrate that the statistically significant changes in ammonia, sulfate, chloride, sodium and carbon disulfide at monitoring well MW-9 were from a source other than the sanitary landfill facility or due to an error in sampling, analysis, or statistical evaluation or from natural variation in ground water quality. Therefore, I cannot approve reinstatement of ground water detection monitoring

Mr. Thomas E. Lescher
City of Avon Lake
Page 2 of 3

at monitoring well MW-9. The owner or operator shall comply with the ground water quality assessment program pursuant to OAC Rule 3745-27-10(E).

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 "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
77 South High St., 17th Floor
Columbus, Ohio 43215

A detailed account of Ohio EPA's review of the ground water demonstration will be sent to you in separate correspondence.

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

Sincerely,


Scott J. Nally
Director

SJH:jm

cc: Lynn Sowers, DMWM-NEDO
Fleming Mosely, Lorain City Health Department
Dwight Williams, HZW, LLC

File:[Sowers/Land/Avon Lake Landfill/ Aut/47]

Project ID# 4483