



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

OHIO E.P.A.

NOV 18 2014

ENTERED DIRECTOR'S JOURNAL

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Re: Brooklyn Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfills
Cuyahoga County
MSWL018802

John Verba, Director of Public Service
City of Brooklyn
7619 Memphis Avenue
Brooklyn, Ohio 44144

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

Dear Mr. Verba:

On September 23, 2014, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a document titled "*Alternate Source Demonstration – April 2014 Statistically Significant Increase of Arsenic at Monitoring Well W-12,*" dated September 22, 2014, for the Brooklyn Sanitary Landfill (Facility) located in Cuyahoga County. This document was submitted by Civil & Environmental Consultants (CEC) on behalf of the Facility, and contains the ground water sampling results and the statistical analysis from the April 21 and June 10, 2014, ground water sampling events at the Facility.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant increase (SSI) was detected: arsenic in ground water monitoring well W-12.

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 SSI 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 not later than 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 September 22, 2014, document concluded that the SSI for arsenic in ground water monitoring well W-12 was due to natural variation in the uppermost aquifer system (UAS) and

not as a result of impact from the landfill. Monitoring well W-12 was initially sampled on April 21, 2014.

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the September 22, 2014, 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 W-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.

You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code Section 3745.04. 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

If you have any questions concerning this letter, please contact Joshua Adams of Ohio EPA, NEDO at 330-963-1103.

Sincerely,



Kurt M. Princic, Chief
Northeast District Office
for Craig W. Butler, Director

KP/JA/cia

cc: Lynn Sowers, Ohio EPA, NEDO, DMWM
Liam McEvoy, Ohio EPA, NEDO, DDAGW
Dane Tussel, Cuyahoga County Board of Health
David Benecke, Civil & Environmental Consultants, Inc. (CEC)