



OHIO E.P.A.

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CERTIFIED 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.

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

By: Donna Cassler Date: 11-21-13

CERTIFIED

November 21, 2013

The Honorable Richard H. Balbier
Mayor, City of Brooklyn
7619 Memphis Avenue
Brooklyn, Ohio 44144

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

Subject: Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b) Approval

Dear Mayor Balbier:

On September 12, 2013, 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 2013 Statistically Significant Increase of Arsenic at Monitoring Well W-12," dated September 11, 2013, for the Brooklyn Landfill (Facility) located in Cuyahoga County. This document was submitted by Civil & Environmental Consultants (CEC), Inc. on behalf of the City of Brooklyn, and contains the ground water sampling results and the statistical analysis from the April 15, 2013 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 changes were detected: arsenic in 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 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.

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The September 11, 2013 document concluded that the statistically significant changes for arsenic at monitoring well W-12 were due to natural variation in ground water quality, and not as a result of impact from the landfill. The monitoring well was initially sampled on April 15, 2013.

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the September 11, 2013 document. However, the two hundred ten (210) days from initial sampling expired on November 11, 2013. Therefore, this authorization is hereby issued pursuant to OAC Rule 3745-27-10(E)(9)(b), which states 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 owner or operator shall 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 Street, 17th Floor
Columbus, Ohio 43215

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If you have any questions concerning this letter, please contact Katharina Snyder of Ohio EPA, NEDO at (330) 963-1257.

Sincerely,



Kurt M. Princic
Chief, Northeast District Office
For Scott J. Nally
Director, Ohio EPA

KMP/SJN/KS/cl

cc: Lynn Sowers, DMWM-NEDO
Scott Hester, DMWM-CO
Colin Johnson, Cuyahoga County Health Department