



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

OHIO E.P.A.

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CERTIFIED

April 3, 2013

Erie County Board of Commissioners
2900 South Columbus Avenue
Sandusky, Ohio 44870

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.

By: D. J. Lassiter Date: 4-3-13

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

Dear Board of Commissioners:

On February 6, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO), received a document titled, "OAC Rule 3745-27-10(D)(7)(c)(ii) Alternate Source Demonstration for Chloride at Monitoring Well MW-40D," dated January 30, 2013, for the Erie County Landfill (Facility). An addendum was received electronically on February 18, 2013. The above referenced document was prepared Mannik and Smith Group, on behalf of the owner/operator of Erie County Landfill.

According to the document, analysis of the ground water detection monitoring data indicated statistical significant change was detected for chloride at well MW-40D.

The subject document also includes rational for returning monitoring well MW-12D to the detection monitoring program pursuant to OAC Rule 3745-27-10(D)(7)(c)(i)

Pursuant to OAC Rule 3745-27-10(D)(7)(c), 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 January 30, 2013, document concluded that the statistically significant change for chloride at MW-40D was due to a source other than the sanitary landfill facility, and not as a result of impact from the landfill. The document also concluded the statistically significant change for ammonia at MW-12D should be considered a false positive.

Ohio EPA has reviewed the applicable information and concurs with the demonstration for chloride at MW-40D. 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-40D

Ohio EPA has also reviewed the applicable information and concurs with the demonstration for ammonia at MW-12D included in the January 30, 2013, document. Therefore, pursuant to OAC Rule 3745-27-10(D)(7)(c)(i), the owner or operator is hereby authorized to return well MW-12D to detection monitoring.

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 the ground water quality assessment monitoring program in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program pursuant to OAC Rule 3745-27-10(D)(7)(c).

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.

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

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

If you have any questions concerning this letter, please contact Susan Hardy of Ohio EPA, NWDO at (419) 373-3043.

Sincerely,



Shannon Nabors, Chief
Northwest District Office
For Scott J. Nally, Director

/llr

pc: Fred Dubbert, Erie County Landfill
Bob Sennish, Erie County Landfill
Jack Meyers, Erie County Sanitary Engineer
Eric VanHeyde, Mannik and Smith Group

ec: Ken Brock, DDAGW, NWDO
Pete Sokoloski, DDAGW, NWDO, id: 5-12244
Mike Reiser, DMWM, NWDO