



OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

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

CERTIFIED

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.

October 1, 2013

Mr. Paul Quinn
Service Director
City of Westlake
27216 Hilliard Boulevard
Westlake, Ohio 44145

By: Donna Lasser Date: 10-1-13

**RE: CITY OF WESTLAKE LANDFILL, CUYAHOGA COUNTY
OHIO ADMINISTRATIVE CODE (OAC) RULE 3745-27-10(E)(9)(b)
RESPONSE TO REQUEST TO GRANT REINSTATEMENT**

Dear Mr. Quinn:

On April 24, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a document titled "OAC Rule 3745-27-10(E)(9)(b) WW-3R Request for return to detection monitoring, Westlake City Landfill" dated April 19, 2013, for the City of Westlake Landfill (Facility) located in Cuyahoga County. This document was submitted by Mr. Fraser Hamilton of Earth Consulting, Ltd, on behalf of the City of Westlake (Westlake) who is the owner of the Facility, pursuant to OAC Rule 3745-27-10(E)(9)(b), and requested reinstatement of the ground water detection monitoring program for monitoring well WW-3R 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 cobalt at well WW-3R during the May 2011 ground water sampling event.

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 the ground water quality, and request that the director approve reinstatement of the detection monitoring program.

EC's position, as stated in the request dated April 19, 2013, was that the statistically significant increase (SSI) for cobalt at monitoring well WW-3R was due to natural variation in the ground water. Since the May 2011 statistically significant increase (SSI) for cobalt, monitoring well WW-3R has also had additional SSIs; for cobalt in October 2011 and for potassium, beryllium, cobalt, and lead in October 2012. However, no further resampling results or demonstrations have been submitted to refute the continued SSI for cobalt or subsequent SSIs for potassium, beryllium, and lead at monitoring well WW-3R.

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Ohio EPA has reviewed the April 19, 2013 request and has determined that the owner or operator has not provided sufficient evidence to demonstrate that the statistically significant change in cobalt at monitoring well WW-3R was 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. Additionally, due to the subsequent SSIs for potassium, beryllium, and lead, and because no request has been made nor any authorization provided to continue detection monitoring after the SSIs for potassium, beryllium and lead within the time frames set forth in the rule, continued assessment at monitoring well WW-3R is required. Therefore, I cannot approve reinstatement of ground water detection monitoring at monitoring well WW-3R. The owner or operator shall comply with the ground water quality assessment program pursuant to OAC Rule 3745-27-10(E).

Ohio EPA's records now show that ground water monitoring wells WW-2, WW-3, WW-5, WW-6R, and WW-9 through WW-15 are in the assessment program and thus should be monitored in accordance with the schedules and parameter lists found in OAC Rule 3745-27-10(E)(5). Ohio EPA's records also show that ground water monitoring wells WW-1, WW-4, WW-7, and WW-8 are in the detection monitoring program and thus should be monitored in accordance with the schedules and parameter lists found in OAC Rule 3745-27-10(D)(5).

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

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If you have any questions concerning this letter, please contact Jennifer Carlin of Ohio EPA, NEDO at (330) 963-1133.

Sincerely,



Scott J. Nally
Director, Ohio EPA

SJN/JC/cl

cc: Lynn Sowers, DMWM-NEDO
Scott Hester, DMWM-CO
Mike Sekerak, Cuyahoga County Health Department