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Mr. Michael R. Mackenzie
Superintendent of Solid Waste Technical Operations
City of St. Marys
101 East Spring Street
St. Marys, Ohio 45885

**Re: St. Marys Landfill, Auglaize County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b) Authorization**

Dear Mr. Mackenzie

On February 28, 2003, the Ohio Environmental Protection Agency (Ohio EPA) received a document titled *Statistical Report of Groundwater Quality for the Detection Monitoring Program; Notification of Statistical Significance; and Alternate Source Demonstration* for the St. Marys Landfill located in Auglaize County. The document included the results of the December 2002 ground water monitoring sampling event and the February 2003 re-sampling event. The document also included a demonstration that the landfill is not impacting the ground water quality at monitoring wells BW-1 and BW-6.

The demonstration was submitted in accordance with OAC Rule 3745-27-10(D)(7)(c), as effective on June 1, 1994. However, since then, OAC Rule 3745-27-10 was amended, and the new rule became effective on August 15, 2003. Under the new rule, the appropriate reference is OAC Rule 3745-27-10(E)(9)(b). OAC Rule 3745-27-10(E)(9)(b) 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, statistical evaluation, or natural variation in ground water quality. A report documenting this demonstration must be submitted to [the] director and request that the director approve reinstatement of the detection monitoring program described in paragraphs (C) and (D) of this rule.

The information contained in the document indicated that the statistically significant increase of arsenic in monitoring wells BW-1 and BW-6 was not the result of an impact from the landfill.

Ohio EPA has reviewed the applicable information, and we concur with the above conclusions. Therefore, pursuant to OAC Rule 3745-27-10(E)(9)(b), I hereby approve reinstatement of monitoring wells BW-1 and BW-6 for arsenic. A detailed account of Ohio EPA's review of this demonstration will be sent to you separately.

Should future or existing ground water sampling results indicate statistically significant changes in ground water monitoring parameters, the owner/operator will be required to either enter into

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director



assessment 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 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 30 days after notice of the director's action. Notice of the filing of the appeal shall be filed with the director within three days after the appeal is filed with the commission. An appeal may be filed with the commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this approval, please contact Ben Smith of Ohio EPA's Northwest District Office at (419) 373-3062.

Sincerely,

Christopher Jones
Director

cc: Ray Minarovic, Hull & Associates, Inc.
Michael Weadock, City of St. Marys
Randy Skrzyniecki, DDAGW, NWDO
Scott Hester, DSIWM, CO
Ben Smith, DSIWM, NWDO
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