



State of Ohio Environmental Protection Agency

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Columbus, Ohio 43216-1049

Robert Kappler
Director of Public Service
7619 Memphis Avenue
Brooklyn, OH 44144

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

Dear Mr. Kappler:

In a report dated January 10, 2005, the City of Brooklyn submitted to the Ohio Environmental Protection Agency (Ohio EPA) a request to continue detection monitoring for ammonia in ground water monitoring well W-12 at the Brooklyn Sanitary Landfill (Facility) located in Cuyahoga County.

According to OAC Rule 3745-27-10(D)(7)(c)(ii), the director can approve continuation of the detection monitoring program if the owner or operator demonstrates that a source other than the sanitary landfill facility caused the contamination or that the statistically significant increase over background resulted from error in the sampling, analysis, statistical evaluation or natural variation in ground water quality. The January 10, 2005, report concludes that the ammonia trigger was a false positive attributable to natural variation in ground water quality at W-12 during the October 2004 sampling event.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), I hereby approve this demonstration. The owner/operator of the Facility may continue ground water detection monitoring for ammonia at monitoring well W-12.

Should future or existing ground water sampling results indicate statistically significant differences in ground water monitoring parameters, the owner or operator will be required to either enter the assessment monitoring program in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the City of Brooklyn from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act or Comprehensive Environmental Response,

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
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Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

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 ORC 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 issuance 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 letter, please contact Katharina Snyder, Ohio EPA, Northeast District Office, Division of Solid and Infectious Waste Management at (330) 963-1257.

Sincerely,

William Skowronski, Chief
Northeast District Office
for Joseph P. Koncelik, Director
Ohio EPA

WS/JPK/KS/cl

cc: Scott Hester, DSIWM-CO
Katharina Snyder, DSIWM-NEDO
Matt Johnson, Cuyahoga County Health Department
Lynn Sowers, DSIWM-NEDO