



State of Ohio Environmental Protection Agency

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P.O. Box 1049
Columbus, Ohio 43216-1049

Mr. Mike MacKenzie
City of St. Marys
Superintendent of Solid Waste
101 East Spring Street
St. Marys, Ohio 45885

**Re: City of St. Marys Landfill, Auglaize County
OAC Rule 3745-27-10(E)(9)(b), Refusal to Grant Reinstatement**

Dear Mr. MacKenzie:

On April 11, 2005, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a letter from the owner or operator's consultant which documented a demonstration in accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) for the January 12 and 13, 2004 sampling event at the City of St. Marys Landfill (Facility). This demonstration was submitted due to the statistically significant increases of chloride at monitoring wells BW-5 and BW-6 and included a request to continue detection monitoring at those wells. Because the 210-day period from sampling allowed by OAC Rule 3745-27-10(D)(7)(c)(ii) lapsed prior to Ohio EPA's receipt of the letter, the demonstration was reviewed in accordance with OAC Rule 3745-27-10(E)(9)(b).

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 change resulted from error in sampling, analysis, or statistical evaluation, or from natural variation in ground water quality. If Ohio EPA concurs with the demonstration, then the ground water monitoring well can be returned to the detection monitoring program.

Ohio EPA has reviewed the April 11, 2005 document and has determined that the owner or operator has not demonstrated that the statistically significant increases in chloride at monitoring wells BW-5 and BW-6 were not the result of impact from the Facility. Therefore, at this time, I refuse to grant approval to reinstate ground water monitoring wells BW-5 and BW-6 back into the ground water detection monitoring program at the Facility. The owner or operator shall comply with the ground water quality assessment program pursuant to OAC Rule 3745-27-10(E).

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

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

Mr. Mike MacKenzie
City of St. Marys Landfill, Auglaize County
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under separate cover.

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission (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. A copy of the appeal must be served on the Director within three (3) days of filing with the Commission. An appeal may be filed with the Environmental Review Appeals 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 document, please contact Mike Reiser of Ohio EPA, NWDO at (419) 373-3126.

Sincerely,

Joseph P. Koncelik, Director

JPK/JM/sw

pc: Mr. Michael Weadock, City of St. Marys
Mr. Randy Skrzyniecki, DDAGW, NWDO
Mr. Jack Leow, DDAGW, NWDO
Mr. Mike Reiser, DSIWM, NWDO

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