



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

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

Mr. Michael Holmes
Regus Industries, LLC
2730 Transit Road
West Seneca, NY 14224

**Re: Sunny Farms Landfill, Seneca County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b) Approval**

Dear Mr. Holmes:

On July 31, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a document titled, "Statistical Analysis of Groundwater Quality Data May 2006 Semiannual Detection Monitoring Event" dated July 31, 2006, regarding a (D)(7)(c)(ii) demonstration for the Sunny Farms Landfill. This document was submitted by Burgess and Niple, on behalf of the owner/operator of Sunny Farms Landfill, and contains the ground water sampling results and the statistical analysis from the May 18, 2006 and July 14, 2006 ground water sampling events at the Facility. However, since the time limits in accordance with OAC Rule 3745-27-10(D)(7)(c)(ii) were exceeded, Ohio EPA has reviewed this request pursuant to OAC Rule 3745-27-10(E)(9)(b).

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant change was detected: sodium in monitoring well MP7B.

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 natural variation in ground water quality and request that the director approve reinstatement of the detection monitoring program.

The July 31, 2006 document concluded that the statistically significant changes for sodium at monitoring well MP7B was due to natural variability of the ground water quality, and not as a result of impact from the landfill. Monitoring well MP7B was originally sampled on May 18, 2006.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Mr. Michael Holmes
Regus Industries, LLC
Page 2 of 2

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the July 31, 2006 document. Therefore, pursuant to OAC Rule 3745-27-10(E)(9)(b), I hereby approve reinstatement of the ground water detection monitoring program for monitoring well MP7B and release the owner or operator from the obligation to comply with this assessment monitoring program at the Facility.

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 assessment monitoring 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 is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Section 3745.04 of the Ohio Revised Code. 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 which the Commission, in its discretion, may reduce if by affidavit you demonstrate 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
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Mary Ann Miller of Ohio EPA, NWDO at 419-373-3060.

Sincerely,

Shannon Nabors, Chief
Northwest District Office
for Chris Korleski, Director

cc: Ed Merriman, DSIWM-NWDO
Scott Hester, DSWIM-CO
John Walker, Sunny Farms Landfill, LLC
Nicki Rumschlag, Seneca County Health Department
Jack Leow, DSIWM-NWDO, 5-6423