



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. Dave Vossmer
Browning-Ferris Industries of Ohio, Inc.
530 North Camp Road
Port Clinton, Ohio 43452

**Re: Ottawa County Landfill, Ottawa County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval**

Dear Mr. Vossmer:

On May 27, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO), received a document titled "*Alternate Source Demonstration for Statistically Significant Increases at BW-10 and MW-33*," dated May 23, 2008, for the Ottawa County Landfill (Facility) located in Ottawa County. This document was submitted by CEC, Inc. on behalf of Browning-Ferris Industries of Ohio, Inc. (BFIO), and includes a request pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii) to allow specific ground water monitoring wells at the Facility to remain in the detection monitoring program despite statistically significant changes detected during the December 2007 sampling event.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant changes were detected: zinc at monitoring well BW-10 and chloride at monitoring well MW-33.

Verification sampling was performed on February 8, 2008. The re-sampling data confirmed the statistically significant changes for zinc at monitoring well BW-10 and chloride at monitoring well MW-33.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), 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. A report documenting this demonstration must be submitted to and approved by Ohio EPA. If the owner or operator does not obtain approval to continue detection monitoring within two hundred ten (210) days from initial sampling, the owner or operator is required to comply with the provisions of OAC Rule 3745-27-10(E) for ground water quality assessment monitoring.

The May 23, 2008 document concluded that the statistically significant change for zinc at monitoring well BW-10 was due an error in sampling (a malfunctioning pump), while the statistically significant change for chloride at monitoring well MW-33 was due to natural variation in ground water quality,

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Lee Fisher, Lieutenant Governor
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and not as a result of impact from the landfill. Monitoring wells BW-10 and MW-33 were initially sampled on December 11, 2007.

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the May 23, 2008 document. Therefore, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator is hereby authorized to continue the detection monitoring program at the Facility for monitoring wells BW-10 and MW-33.

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 of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals 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 Kimberly Burnham of Ohio EPA, NWDO at (419) 373-3049.

Sincerely,

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

PC: Danielle Axson, Allied Waste
Eric M. Van Heyde, Civil & Environmental Consultants, Inc.
Joe Montello, BFI/Allied Waste Industries
Ken Brock, DDAGW NWDO
Scott Hester, DSWIM CO
Kimberly Burnham, DSIWM NWDO