



State of Ohio Environmental Protection Agency

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March 18, 2009

Mr. Kenneth E. Patton
City of Brooklyn
7619 Memphis Avenue
Brooklyn, OH 44144

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

Dear Mr. Patton:

On December 31, 2008, the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) reviewed the December 30, 2008 false statistical indication demonstration for the October 2008 second semi-annual ground water detection monitoring event. The report was prepared and submitted to Ohio EPA by Civil & Environmental Consultants, Inc. (CEC) on the behalf of the City of Brooklyn, and was received by Ohio EPA on December 31, 2008.

Analysis of the ground water detection monitoring data for the October 2008 semi-annual ground water detection monitoring event indicated that a statistically significant increase (SSI) of sodium concentration of 164 mg/L at the downgradient monitoring well W-12. Brooklyn resampled the monitoring well and the sodium concentration was 145 mg/L. The resampling analysis indicated that the sodium concentration decreased, but the sodium concentration was still above the intra-well statistical limit of 139 mg/L.

Brooklyn prepared trend plots from both up-gradient wells, and un-impacted down-gradient wells, demonstrate that sodium levels generally vary naturally over time while concentrations of other waste derived constituent indicator parameters such as chloride, potassium, and ammonia, are all below background levels. Likewise, all appendix I volatile organic compounds (VOC), which are indicators of groundwater impacted by waste derived constituents, are below non-detect. Based on the trend plots, Brooklyn made a demonstration in accordance with OAC 3745-27-10(D)(7)(c)(ii) that documents the reported sodium SSI was due to natural variation.

Pursuant to OAC 3745-27-10(D)(7)(c)(ii), the owner may "[d]emonstrate 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. A report documenting this demonstration must be submitted to and approved by the director or his authorized representative. If the owner or operator does not obtain approval to continue detection

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monitoring within two hundred ten days from initial sampling, the owner or operator shall comply with the provisions of paragraph (E) of this rule.”

Ohio EPA has reviewed the applicable information and concurs that although the verification sampling was still above the intra-well statistical limit of 139 mg/L, the resample demonstrates the sodium concentration has decreased and is variable over time. Furthermore, the trend plots demonstrate that sodium level fluctuations are due to natural variation. Therefore, pursuant to OAC 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 well MW-12.

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 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 ground upon which the appeal is based. The appeal must be filed with 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 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 Colum McKenna at (330) 963-1268.

Sincerely,

William Skowronski, Chief
Northeast District Office
for Chris Korleski, Director

cc: Jennifer Kurko, DSIWM, NEDO
Laura Travers, CCBH
Robert Kappler, Brooklyn