



State of Ohio Environmental Protection Agency

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Mr. Chris Jaquet
BFI-Lorain County II Landfill
43502 Oberlin-Elyria Rd.
Oberlin, Ohio 44074

**Re: BFI Lorain County II Landfill, Lorain County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b) Approval
and OAC Rule 3745-27-10(D)(7)(c)(i) Acknowledgment**

Dear Mr. Jaquet:

On November 21, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a document titled "*OAC Rule 3745-27-10(D)(7)(c)(i) Demonstration of a False Positive for Sodium at Well MW-3R; and OAC Rule 3745-27-10(D)(7)(c)(ii) Demonstration that the Statistical Exceedances for Potassium at Well MW-204 and Chloride at Well MW-211S are not a Result of Landfill Activities, BFI – Lorain County II Landfill, Oberlin, Ohio*" dated November 20, 2008, for the Lorain County II Landfill (Facility) located in Lorain County. The document was submitted by Brown and Caldwell, on behalf of BFI-Lorain County II Landfill and contains the statistical analysis for samples collected during the May, 2008, sampling event and the July, 2008, and September, 2008 resampling events.

The November 21, 2008 document contains a demonstration to release BFI Lorain II Landfill from the obligation to comply with the ground water quality assessment monitoring program due to the detection of statistically significant changes for contaminants detected in certain monitoring wells. 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).

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 and request that the director approve reinstatement of the detection monitoring program.

The report indicates that monitoring well MW-3R had triggered for sodium, MW-204 had triggered for potassium, and MW-211S had triggered for chloride in the May 2008 sampling event. Verification sampling was performed in July 2008 and September 2008. The July re-sample confirmed the exceedance for all three parameters. Analysis of the September, 2008 re-sampling data demonstrated that the statistically significant change for sodium in monitoring well 3R was a false positive. Therefore, monitoring well MW-3R was automatically returned to the detection monitoring

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

program pursuant to OAC Rule 3745-27-10(D)(7)(c)(i). Ohio EPA acknowledges the return of this well to the detection monitoring program. However, the re-sampling data verified the statistically significant changes for potassium and chloride in monitoring wells MW-204 and MW-211S, respectively.

Since the results confirm that potassium and chloride were above the prediction limit, an OAC 3745-27-10(D)(7)(c)(ii) demonstration was provided. The November 20, 2008 document concluded that the statistically significant changes for potassium at monitoring well MW-204, and chloride at monitoring well MW-211S were due to natural variation, and not as a result of impact from the landfill.

As noted above, Ohio EPA used OAC 3745-27-10(E)(9)(b) to review the applicable information, and we concur with this conclusion. Therefore, pursuant to OAC Rule 3745-27-10(E)(9)(b), I hereby approve the reinstatement of the ground water detection monitoring program for the monitoring wells in the ground water quality assessment monitoring program noted above and release BFI Lorain II Landfill from the obligation to comply with the assessment monitoring program at the Facility. This approval of reinstatement of the detection monitoring program applies to monitoring wells MW-204 and MW-211S

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 the ground water quality assessment monitoring program in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program pursuant to OAC Rule 3745-27-10(D)(7)(c).

This approval shall not be construed to release the owner or operator from the obligation to comply with the requirements of any other ground water quality assessment monitoring program being conducted at the Facility.

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

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

Mr. Chris Jaquet
BFI-Lorain County II Landfill
Page 3 of 3

If you have any questions concerning this letter, please contact Clarissa Gereby of Ohio EPA, NEDO at 330-963-1224.

Sincerely,

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

cc: Joe Montello, Allied Waste
Joe Warburton, Brown and Caldwell Ohio, LLC
John Sabo, Lorain County Health Department
Scott Hester, DSWIM-CO
Jennifer Kurko, DSIWM-NEDO