



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

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May 3, 2011

Mr. Jay Shoup
City of Marion
Service Director
233 West Center Street
Marion, Ohio 43302

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Donna Kasser Date: 5-3-11

**Re: Marion City Sanitary Landfill, Marion County
Corrective Measures Plan Revision:
Removal of Cobalt as Chemical of Concern**

Dear Mr. Shoup:

On March 31, 2003, the Ohio Environmental Protection Agency (Ohio EPA) approved a Corrective Measures Plan (CMP) for the Marion City Sanitary Landfill (Facility) located in Marion County. The CMP was revised in July 2004, January 2006 and November 2010. The plan was prepared and submitted in accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(F).

Corrective Measures Monitoring Procedure Number 8 of the approved CMP states:

Periodically the City will assess the [chemicals of concern] COC list to determine which constituents from the compliance wells had two consecutive events where the upper prediction limit was not exceeded. At that point, the City may opt to petition the director of Ohio EPA to remove a constituent and/or well from the COC list as appropriate.

Pursuant to Corrective Measures Monitoring Procedure Number 8, the City of Marion (City) submitted a petition to Ohio EPA to remove cobalt from the COC list for the corrective measures program at the Facility. The petition was included as part of the ground water data submittal, dated December 28, 2010, for the October 2010 semi-annual sampling event.

During the last nine semi-annual sampling events conducted at the Facility, cobalt has not been detected in any of the monitoring wells.

Ohio EPA has completed a review of the December 28, 2010, petition and associated data and concurs with the City's conclusions. Therefore, I hereby approve the removal of cobalt from the COC list in the CMP. As part of this approval, the City is subject to

the following conditions:

1. Not later than sixty (60) days after the effective date of this approval, the owner or operator shall revise Table 10 of the approved CMP to reflect the removal of cobalt from the COC list and submit a revised copy to Ohio EPA's Northwest District Office (NWDO) and the Marion County Health Department.
2. The owner or operator shall continue to perform semi-annual monitoring of the uppermost aquifer system wells for parameters 1-66 (including cobalt) of Appendix I of OAC Rule 3745-27-10, effective June 1, 1994.

You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals 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. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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, OH 43215

If you have any questions regarding this approval, please contact Tyler Madeker of Ohio EPA, NWDO at (419) 373-3078.

Sincerely,



Scott J. Nally
Director

cc: James Bischoff, City Engineer
Adam Howard, Marion County Health Department
John DiNunzio, CEC Inc.
Jack Leow, DDAGW-NWDO
Mike Reiser, DMWM-NWDO

Id: 5-10063