



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

OHIO E.P.A.

DEC -3 2013

ENTERED DIRECTOR'S JOURNAL

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.

CERTIFIED

By: Joseph Cassider Date: 12-3-13

December 3, 2013

Ms. Tammy Jett
Duke Energy
139 East Fourth Street
Cincinnati, Ohio 45202

Re: Zimmer Residual Waste Landfill
Director's Authorization
Final Approval
Residual Solid Waste Landfill
Clermont County
RSWL018782

Subject: Ohio Administrative Code (OAC) Rule 3745-30-08(D)(9)

Dear Ms. Jett:

On June 28, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office, (SWDO) received a document titled "Statistical Evaluation of Ground Water Monitoring Data, William H. Zimmer Residual Waste Landfill April 2013 Sampling Event" dated June 6, 2013, for the Zimmer Residual Waste Landfill (Facility) located in Clermont County. This document was submitted by M. S. Berlin & Associates, on behalf of Duke Energy, and contains the ground water sampling results and statistical analysis from the April 2013 ground water sampling event at the Facility.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant change was detected: calcium in monitoring well MW-20S.

Pursuant to OAC Rule 3745-30-08(D)(9), the owner or operator may demonstrate that a source other than the residual 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.

The June 6, 2013 document concluded that the statistically significant changes for calcium at monitoring well MW-20S was due to natural variation in ground water quality, and not as a result of impact from the landfill.

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Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the June 6, 2013 document. Therefore, pursuant to OAC Rule 3745-30-08(D)(9), the owner or operator is hereby authorized to continue the detection monitoring program at the Facility for monitoring well MW-20S.

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 3745-30-08(E) or obtain approval to remain in the detection monitoring program.

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
77 South High St., 17th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Pat Willoughby in the Ohio EPA Southwest District Office at (937) 285-6648.

Sincerely,



Bonnie Buthker
Chief, Southwest District Office
for Scott J. Nally, Director

cc: Tracy Buchanan, DMWM/SWDO
Eric Ratcliff, Clermont County General Health District