



State of Ohio Environmental Protection Agency

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Columbus, Ohio 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
OAC Rule 3745-27-10(E)(9)(b), Refuse to Grant Reinstatement**

Dear Mr. Vossmer:

On January 3, 2005, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a letter from CEC, Inc., which documented demonstrations in accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) for the June 2004 sampling event and the August 23, 2004; August 31, 2004; and November 22, 2004, resampling events at the Ottawa County Landfill (Facility). These demonstrations were submitted due to statistically significant increases of chloride at monitoring well MW-23 and arsenic and chloride at monitoring well MW-32. The letter included requests to continue detection monitoring at monitoring wells MW-23 and MW-32. Since the 210-day period from sampling allowed by OAC Rule 3745-27-10(D)(7)(c)(ii) has lapsed, the demonstrations were reviewed in accordance with OAC Rule 3745-27-10(E)(9)(b). This letter only addresses the demonstration for MW-23; the demonstration for MW-32 was addressed in separate correspondence.

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. If Ohio EPA concurs with the demonstration, then the ground water monitoring well can be returned to the detection monitoring program.

Ohio EPA has reviewed the January 3, 2005, document and has determined that the owner or operator has not demonstrated that the statistically significant increase in chloride at monitoring well MW-23 was not the result of impact from the Facility. Therefore, at this time, I refuse to grant approval to reinstate ground water monitoring well MW-23 back into the ground water detection monitoring program at the Facility. The owner or operator shall comply with the ground water quality assessment program pursuant to OAC Rule 3745-27-10(E).

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

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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 of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission (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. A copy of the appeal must be served on the Director within three (3) days of filing with the Commission. An appeal may be filed with the 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 document, you may contact Kimberly Burnham of Ohio EPA, NWDO at (419) 373-3049.

Sincerely,

Joseph P. Koncelik
Director

JPK/MM/sw

cc: Pat Nortz, Lorain County Landfill
Eric Van Heyde, CEC, Inc.
Scott Hester, DSIWM-CO
Kimberly Burnham, DSIWM-NWDO
Ken Brock, DDAGW-NWDO

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