



State of Ohio Environmental Protection Agency

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Mr. Rick Hughes
Millennium Inorganic Chemicals, Inc.
2426 Middle Road
Ashtabula, Ohio 44004

**RE: MILLENNIUM LANDFILL
ASHTABULA COUNTY
OAC RULE 3745-30-08(D)(9)(b)APPROVAL**

Dear Mr. Hughes:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the following document for compliance with Ohio Administrative Code (OAC) 3745-30-08, as effective August 15, 2003, for industrial solid waste landfills:

“Demonstration Letter for the statistically significant increase of Alkalinity in MW2-1 during May 2004 and November 2004 sampling events,” dated February 18, 2005, received by Ohio EPA on March 1, 2005.

The document was prepared by TM Engineering, Inc. on behalf of Millennium Inorganic Chemicals, Inc. (Millennium). The document contains a demonstration to show that the statistically significant increase of alkalinity in monitoring well MW2-1 was the result of natural variation. The document also requested to return monitoring well MW2-1 to detection monitoring in accordance with **OAC Rule 3745-30-08(D)(9)(b)**, as effective August 15, 2003.

OAC Rule 3745-30-08(D)(9)(b) states *“When the owner or operator demonstrates the statistically significant increase to be an error in statistical procedure or from natural variation in ground water quality, a report documenting this demonstration shall be submitted as an addendum to the results and data required in paragraph (C)(8) of this rule for approval by the director or his authorized representative. The owner or operator shall comply with paragraphs (D)(8) to (D)(12) of this rule until the demonstration report is approved.”*

The document demonstrated that the reported statistically significant increase in alkalinity at monitoring well MW2-1 is due to natural variation. Therefore, Millennium showed that the statistical triggers for alkalinity at monitoring well MW2-1 were not waste derived. Ohio EPA concurs with Millennium that monitoring well MW2-1 should be returned to detection monitoring. The report adequately demonstrates, in accordance with OAC 3745-30-08(D)(9)(b), that the two original reported concentrations of alkalinity were false positives as a result of natural variation. Ohio EPA recommends that the owner/operator revise their statistical method to account for the natural/spatial variation in alkalinity at the site to avoid future false positives, in accordance with OAC 3745-30-08(C)(6)(f). Pursuant to OAC 3745-30-09(D)(9)(b), Millennium is

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

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hereby authorized to reinstate the detection monitoring program as described in OAC 3745-30-08(C) and (D) for monitoring well MW2-1.

Should future or existing ground water sampling results indicate a statistically significant increase in ground water monitoring parameters, Millennium will be required to enter into assessment monitoring in accordance with OAC Rule 3745-30-08(B) or obtain an approval similar to this authorization 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 Ohio Revised Code Section 3745.04. The appeal must be in writing and set forth the action complained of and the ground upon which the appeal is based. It must be filed with the Environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of Environmental Protection within three (3) days of filing with the Commission. 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 document, please contact Colum McKenna, Ohio Environmental Protection Agency, Northeast District Office, at (330) 963-1268.

Sincerely,

William Skowronski
Chief, Northeast District Office
Ohio Environmental Protection Agency

WS/CM/cl

cc: Murat Tukul, DSIWM-NEDO
Raymond Saporito, Ashtabula County Health Department
Thomas Moynahan, TM Engineering