



State of Ohio Environmental Protection Agency

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Robert Kappler
Director of Public Service
7619 Memphis Avenue
Brooklyn, OH 44144

**RE: BROOKLYN SANITARY LANDFILL, CUYAHOGA COUNTY
OHIO ADMINISTRATIVE CODE (OAC) RULE 3745-27-10(E)(9)(b)**

Dear Mr. Kappler:

On September 21, 2005, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received an Ohio Administrative Code(OAC) Rule 3745-27-10(D)(7)(c)(ii) demonstration report for monitoring well W-13 dated September 20, 2005, for the Brooklyn Sanitary Landfill (Facility) located in Cuyahoga County. This document was submitted by Civil and Environmental Consultants, Inc., on behalf of the City of Brooklyn, and contains the ground water sampling results and the statistical analysis from the April 2005 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: chloride in monitoring well W-13.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), 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 natural variation in ground water quality. A report documenting this demonstration must be submitted to and approved by Ohio EPA. If the owner or operator does not obtain approval to continue detection monitoring within two hundred ten (210) days from initial sampling, the owner or operator is required to comply with the provisions of OAC Rule 3745-27-10(E) for ground water quality assessment monitoring.

The September 20, 2005 document concluded that the statistically significant change for chloride at monitoring well W-13 was due to natural variation in ground water quality, and not as a result of impact from the landfill.

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the September 20, 2005 document. Therefore, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator is hereby authorized to continue the detection monitoring program at the

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

Robert Kappler
Director of Public Service
Page 2 of 2

Facility for monitoring well W-13.

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 the assessment monitoring program in accordance with OAC 3745-27-10(E) or obtain approval to remain in the detection monitoring program.

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. It 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 after 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 letter, please contact Katharina Snyder of Ohio EPA, NEDO at (330) 963-1257.

Sincerely,

William Skowronski
District Chief, Northeast District Office
for Joseph P. Koncelik
Director, Ohio EPA

WS/JPK/KS/cl

cc: Lynn Sowers, DSIWM-NEDO
Scott Hester, DSIWM-CO
Matt Johnson, Cuyahoga County Health Department