



State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

April 23, 2007

Wilmington City Mayor and Council
Mayor David Raizk
69 North South Street
Wilmington, Ohio 45177

**Re: Wilmington Landfill, Clinton County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b)
Approval**

Dear Mr. Raizk:

On December 22, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO) received a document titled "Request to Return to Detection Monitoring for sodium and nickel in Monitoring Well P-6S and Submission of Results for the Cut Off Wall Drainage System," dated October 10, 2006, for the Wilmington Sanitary Landfill (Facility) located in Clinton County. This document was submitted by Hull and Associates, Inc., on behalf of the City of Wilmington (City), pursuant to OAC Rule 3745-27-10(E)(9)(b), and requested reinstatement of the ground water detection monitoring program for specific monitoring wells at the Facility and to release the owner or operator from the obligation to comply with the ground water quality assessment monitoring program implemented due to the detection of statistically significant changes for sodium and nickel in monitoring well P-6S during the June 1, 2006 ground water sampling event at the Facility.

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

Mayor Raizk
City of Wilmington
Page 2 of 3

variation in ground water quality and request that the director approve reinstatement of the detection monitoring program.

The October 10, 2006 document concluded that the following statistically significant changes for sodium at monitoring well P-6S were due to natural variation in ground water quality, and not as a direct result of impact from the landfill. Statistically significant changes for nickel at monitoring well P-6S were due to an error in statistical evaluation, and not as a direct result of impact from the landfill. Ohio EPA has reviewed the applicable information and concurs with this conclusion. Therefore, pursuant to OAC Rule 3745-27-10(E)(9)(b), I hereby approve reinstatement of the ground water detection monitoring program for the monitoring wells in the ground water quality assessment monitoring program, noted above, and release the owner or operator from the obligation to comply with this assessment monitoring program at the Facility. This approval of reinstatement of the detection monitoring program applies to monitoring wells P-6S.

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 the ground water quality assessment monitoring program in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program pursuant to OAC Rule 3745-27-10(D)(7)(c).

This approval shall not be construed to release the owner or operator from the obligation to comply with the requirements of any other ground water quality assessment monitoring program being conducted at the Facility.

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 pursuant to Section 3745.04 of the Ohio Revised Code. 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 which the Commission, in its discretion, may reduce if by affidavit

Mayor Raizk
City of Wilmington
Page 3 of 3

you demonstrate 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
Room 222
309 South Fourth Street
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Maria Lammers of Ohio EPA, SWDO at (937) 285-6046.

Sincerely,

Thomas A. Winston, P.E., Chief
Southwest District Office
for Chris Korleski, Director

cc: Tracy Buchanan, DSIWM-SWDO
Scott Hester, DSWIM-CO
Matt Johannes, Clinton County Health Department
Don Maher, Wilmington Landfill

TAW/ML/bp