



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

Mr. Andy Cvitkovich, Engineering Manager
United States Gypsum Company
Gypsum, Ohio 43433

**Re: United States Gypsum Company, Ottawa County
Ohio Administrative Code (OAC) Rule 3745-30-08(E)(5)
Response to Request to Reinstate Detection Monitoring**

Dear Mr. Cvitkovich:

On July 3, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO), received a document titled *"Request for Reinstatement to Detection Monitoring,"* dated July 3, 2008, for the United States Gypsum Company (U.S. Gypsum) closed residual waste landfill (Facility) located in Ottawa County. This document was submitted by Hull & Associates, Inc. on behalf of U.S. Gypsum and included a request, pursuant to OAC Rule 3745-30-08(E)(5), for reinstatement of detection monitoring at the Facility.

Pursuant to OAC Rule 3745-30-08(E)(5), if the owner or operator determines that no waste-derived constituents from the facility have entered the ground water, then the owner or operator may request that the director approve reinstatement of detection monitoring at the facility.

The July 3, 2008, document concluded that the statistically significant changes in nickel at monitoring wells MW-7 and MW-8R were due to a natural variation in ground water quality during the October 10, 2006, and April 21, 2008, assessment sampling events, and not as a result of a release from the Facility.

Ohio EPA has reviewed the applicable information and has determined that the owner or operator has not demonstrated that the statistically significant changes for nickel are not the result of impact from the Facility. Therefore, I cannot grant approval to reinstate ground water monitoring wells MW-7 and MW-8R 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 3745-30-08(E).

A detailed account of Ohio EPA's review of the ground water demonstration will be sent to you in separate correspondence.

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

Mr. Andy Cvitkovich
United States Gypsum Company
Page 2 of 2

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 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
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Kimberly Burnham of Ohio EPA, NWDO at 419-373-3049.

Sincerely,

Chris Korleski
Director

cc: Scott Hester, DSIWM, CO
Jack Leow, DDAGW, NWDO
Kimberly Burnham, DSIWM, NWDO