



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

OHIO E.P.A.

JUL 18 2012

ENTERED DIRECTOR'S JOURNAL

July 18, 2012

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

Mr. Thomas E. Lescher  
Service Director  
City of Avon Lake  
750 Avon Belden Rd.  
Avon Lake, Ohio 44012

By: Janet Lassiter Date: 7-18-12

**RE: AVON LAKE MUNICIPAL LANDFILL, LORAIN COUNTY  
OHIO ADMINISTRATIVE CODE (OAC) RULE 3745-27-10(E)(9)(b) APPROVAL**

Dear Mr. Lescher:

On May 15, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a document titled "Ohio Administrative Code (OAC) 3745-27-10(E)(9)(b) Demonstration Ground Water Monitoring Well MW-6, MW-10, MW-11, and MW-12," dated May 11, 2012, for the Avon Lake Landfill (Facility) located in Lorain County. A revised version of the aforementioned document, dated June 1, 2012, was submitted by Ohio Environmental Protection Agency (Ohio EPA) Division of Materials and Waste Management (DMWM), NEDO on June 4, 2012. The documents were prepared for the City of Avon Lake by HZW Environmental Consultants, LLC (HZW), 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 chloride, sodium and benzene in monitoring wells MW-6, MW-10, MW-11, and MW-12 during the June 2003 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 variation in ground water quality, and request that the director approve reinstatement of the detection monitoring program.

The May 11, 2012 and June 1, 2012 documents concluded that the statistically significant changes for chloride, sodium and benzene at monitoring wells MW-6, MW-10, MW-11, and MW-12 were due to a source other than the sanitary landfill facility, specifically, the Cleveland Shale, and not as a 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 the 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 City of Avon Lake from the obligation to comply with the assessment monitoring program at the Facility. This approval of reinstatement of the detection monitoring program applies to monitoring wells MW-6, MW-10, MW-11, and MW-12.

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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 is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 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. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio." 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  
77 South High Street, 17th Floor  
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Clarissa Gereby of Ohio EPA, NEDO at (330) 963-1224.

Sincerely,



Kurt M. Princic  
Chief, Northeast District Office  
for Scott J. Nally  
Director, Ohio EPA

KMP/SJN/CG/cl

cc: Dwight Williams, HzW Environmental Consultants, LLC.  
Suzanne Eden, HzW Environmental Consultants, LLC.  
Fleming Mosely, Lorain City Health Department  
Scott Hester, DMWM-CO  
Lynn Sowers, DMWM-NEDO  
DMWM #4502