



State of Ohio Environmental Protection Agency

Southwest District Office

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Bob Taft, Governor
Maureen O'Connor, Lt. Governor
Christopher Jones, Director

MAY - 9 2002

OHIO E.P.A.
MAY - 9 2002
ENTERED DIRECTOR'S JOURNAL

Mr. Tim Stieritz
Cinergy Power Generation Services
139 East Fourth Street
P.O. Box 960
Cincinnati, Ohio 45201-0960

**Re: Cinergy Zimmer Residual Waste Landfill, Clermont County
Ohio Administrative Code (OAC) 3745-30-08(D)(12) Approval**

Dear Mr. Stieritz:

By correspondence dated January 24, 2001, the owner/operator of the Cinergy Zimmer Landfill notified Ohio EPA of statistically significant exceedances of sulfate in ground water monitoring well **MW-9S**.

A ground water demonstration dated June 24, 2001 was submitted to Ohio EPA indicating that the increases were not the result of a leachate impact on ground water. Upon review of the information submitted, Ohio EPA concurs with the demonstration that the variation in the ground water quality is not a result of a leachate impact.

Pursuant to OAC 3745-30-08(D)(12), the owner/operator is hereby authorized to reinstate the detection monitoring program for monitoring well **MW-9S** of the Cinergy Zimmer Landfill as described in OAC 3745-30-08. Upon the effective date of this approval, the owner/operator is no longer required to comply with OAC 3745-30-08(D)(8) for the aforementioned monitoring wells.

Should future or existing ground water sampling results indicate statistically significant increases in ground water monitoring parameters, the facility owner/operator will be required to enter into assessment monitoring in accordance with OAC 3745-30-08(E) or obtain an approval to remain in the detection monitoring program.

You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code (ORC) Section 3745.04. The appeal must be in writing

I certify this to be a true and accurate copy of the official record of the State of Ohio
Environmental Protection Agency

By: *Steve L. Clements* 5/9/02

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and set forth the action complained of and the ground upon which the appeal is based. The appeal shall be filed with the Commission within thirty (30) days after notice of the action. Notice of the filing of the appeal shall be filed with the Director within three (3) days after the appeal is filed with the Commission. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

If you have any questions concerning this document, please contact the Ohio Environmental Protection Agency, Southwest District **Office** at (937) 285-6357.

Sincerely,



Thomas A. Winston, P.E.
Chief, Southwest District Office

cc: Robert Wilde, Clermont County Health Department
Cheryl Allen, District Office Supervisor, DWIWM-SWDO
Scott Hester, DSIWM-CO

TW/sm