



State of Ohio Environmental Protection Agency

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Mr. Dale Osborn
Safety/Service Director
City of Marion
233 West Center Street
Marion, Ohio 43302

**Re: Marion City Sanitary Landfill, Marion County
Corrective Measures Plan, Removal of Selenium as Chemical of Concern**

Dear Mr. Osborn:

On March 31, 2003, the Ohio Environmental Protection Agency (Ohio EPA) approved a Corrective Measures Plan (CMP) for the Marion City Sanitary Landfill (Facility) located in Marion County. This plan was prepared and submitted in accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(F).

Corrective Measures Monitoring Procedure Number 8 of the approved CMP states:

“Periodically the City will assess the [chemicals of concern] COC list to determine which constituents from the compliance wells had two consecutive events where the upper prediction limit was not exceeded. At that point, the City may opt to petition the director of Ohio EPA to remove a constituent and/or well from the COC list as appropriate.”

Pursuant to Corrective Measures Monitoring Procedure Number 8, the City of Marion (City) submitted a petition to Ohio EPA to remove selenium from the COC list for the corrective measures program at the Facility. The petition was included as part of the ground water data submittal, dated January 2004, for the October 2003 semi-annual sampling event.

During the last five semi-annual sampling events conducted at the Facility, selenium has not been detected in any of the uppermost aquifer system or significant zone of saturation wells. In addition, the summary tables within the submittal indicate that selenium has not been detected in the leachate from the Facility.

Ohio EPA has completed a review of the January 2004 petition and associated data and concurs with the City's conclusions. Therefore, I hereby approve the removal of selenium from the COC list located in Table 10 of the CMP. As part of this approval, the City is subject to the following conditions:

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

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1. Not later than sixty (60) days after the effective date of this approval, the owner or operator shall revise Table 10 of the March 31, 2003, approved CMP to reflect the removal of selenium from the COC list and submit a revised copy to Ohio EPA's Northwest District Office (NWDO) and the Marion County Health Department.
2. The owner or operator shall continue to perform semi-annual monitoring of the uppermost aquifer system wells for parameters 1-66 (including selenium) of Appendix I of OAC Rule 3745-27-10, effective June 1, 1994.

You are hereby notified that this action of the director of Ohio EPA 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 ground 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 of 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 regarding this approval, please contact Ken Brock of Ohio EPA, NWDO at (419) 373-3143.

Sincerely,

Christopher Jones
Director

CJ/MM/sw

cc: Ben Smith, DSIWM-NWDO
Ken Brock, DDAGW-NWDO
Scott Hester, DSIWM-CO
Timothy Yoder, Marion County Health Department
John DeNunzio, CEC, Inc.

Id: 5-4231