



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

Robert Kappler
City of Brooklyn
Director of Public Service
7619 Memphis Avenue
Brooklyn, OH 44144

**RE: CITY OF BROOKLYN SANITARY LANDFILL
CUYAHOGA COUNTY
OHIO ADMINISTRATIVE CODE (OAC) RULE 3745-27-10(E)(9)(b)**

Dear Mr. Kappler:

In a report dated July 9, 2004, the City of Brooklyn submitted to the Ohio Environmental Protection Agency (Ohio EPA) a false statistical indication demonstration for chloride at ground water monitoring well W-13 at the City of Brooklyn Sanitary Landfill (Facility) located in Cuyahoga County.

According to OAC Rule 3745-27-10(E)(9)(b), the director can approve reinstatement of the detection monitoring program if the owner or operator demonstrates that a source other than the facility caused the contamination, or that the statistically significant change resulted from error in sampling, analysis, statistical evaluation, or natural variation in ground water quality. The July 9, 2004 report concludes that the statistically significant change in chloride identified at monitoring well W-13 was the result of natural variation.

Pursuant to OAC Rule 3745-27-10(E)(9)(b), I hereby approve this demonstration. The owner/operator of the Facility may reinstate ground water detection monitoring for waste derived constituents at W-13.

Should future or existing ground water sampling results indicate statistically significant differences in ground water monitoring parameters, the owner or operator will be required to either enter the assessment monitoring program in accordance with OAC 3745-27-10(E) or obtain approval to remain in the detection monitoring program.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the Entity from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
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the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

You are hereby notified that this action of the Director of Environmental Protection is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code 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 30 days after notice of the director's action. Notice of the filing of the appeal shall be filed with the director within three 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
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Katharina Snyder, Ohio EPA, Northeast District Office at (330) 963-1257.

Sincerely,

Joseph P. Koncelik
Director

CJ/KS/cl

cc: Matt Johnson, Cuyahoga County Health Department
Lynn Sowers, DSIWM-NEDO