



State of Ohio Environmental Protection Agency

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Daniel Titus
District Environmental Manager
Browning-Ferris Industries of Ohio, Inc.
Lorain County II Landfill Office
43502 Oberlin-Elyria Road
Oberlin, Ohio 44074

**RE: WILLOWCREEK SANITARY LANDFILL, PORTAGE COUNTY
OHIO ADMINISTRATIVE CODE (OAC) RULE 3745-27-10(D)(7)(c)(ii)**

Dear Mr. Titus:

In a report dated August 15, 2005, Environmental Resources Management (ERM), on behalf of BFI Willowcreek Sanitary Landfill, submitted an alternate source demonstration in accordance with OAC 3745-27-10(D)(7)(c)(ii) to the Ohio Environmental Protection Agency (Ohio EPA). The demonstration was submitted to address a statistically significant increase identified during the March 2005 semiannual sampling event conducted at the Willowcreek Landfill located in Portage County.

Specifically, ERM reported a statistically significant increase (SSI) of 140 mg/L of chloride at monitoring well MW-5 during the March 2005 semi-annual detection monitoring event conducted at the landfill. The reported March 2005 chloride concentration of 140 mg/L was above the prediction limit of 120 mg/L. Verification resampling, in accordance with OAC 3745-27-10 (D)(7)(c)(i), resulted in a ground water concentration of 140 mg/L in May 2005. Again, slightly above the prediction limit of 120 mg/L. However, the demonstration contained adequate supporting information that sufficiently shows the SSI was the result of natural variation. This information included leachate chemical analysis, evaluation of indicator parameters, trend plots, and Ohio EPA ambient ground water quality data.

Pursuant to Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii), the owner or operator of a landfill may demonstrate that a source other than the landfill caused the contamination, or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in ground water quality.

Ohio EPA has reviewed the alternate source demonstration and concurs that the owner of the facility has adequately demonstrated that the statistically significant increase observed for chloride at monitoring well MW-5 during the March 2005 sampling event was due to natural variation. Ohio EPA thus approves continuation of the detection monitoring program in accordance with OAC 3745-27-10(D) at monitoring well MW-5.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

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Should future or existing ground water sampling results indicate statistically significant differences in ground water monitoring parameters, Willowcreek Landfill will be required to either enter the assessment monitoring program in accordance with OAC 3745-27-10(E) or obtain an 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 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 Front Street, Room 222
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Jarnal Singh, Ohio EPA, Northeast District Office at (330) 963-1276.

Sincerely,

William Skowronski
District Chief, Northeast District Office
for Joseph P. Koncelik
Director, Ohio EPA

WS/JPK/JS/cl

cc: Scott Hester, DSIWM-CO
Eric Adams, DSIWM-NEDO
DuWayne Porter, Portage County HD
James Montello, Environmental Resources Management