



State of Ohio Environmental Protection Agency

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Columbus, Ohio 43216-1049

July 6, 2006

Mr. Michael R. MacKenzie  
Superintendent of Solid Waste  
City of St. Marys  
101 East Spring Street  
St. Marys, Ohio 45885

**Re: St. Marys Landfill, Auglaize County  
OAC Rule 3745-27-10(E)(9)(b) Refuse to Grant Reinstatement**

Dear Mr. MacKenzie:

On April 12, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a document titled "Alternate Source Demonstration for Statistical Significances for Chloride in Monitoring Wells BW-5 and BW-6" dated April 11, 2006, for the St. Marys Landfill (Facility) located in Auglaize County. This document was submitted by Hull & Associates on behalf of the City of St. Marys, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), for continuation of detection monitoring at the St. Marys Landfill. However, since the time limits in accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) were exceeded, Ohio EPA has reviewed this request pursuant to OAC Rule 3745-27-10(E)(9)(b).

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 April 12, 2006 document concluded that the statistically significant changes for chloride at monitoring wells BW-5 and BW-6 were due to natural variation in ground water quality, and not as a result of impact from the landfill. Ohio EPA has reviewed the applicable information and has determined that the owner or operator has not demonstrated that the statistically significant increases in chloride are not the result of impact from the Facility. Therefore, at this time, I refuse to grant approval to reinstate ground water monitoring wells BW-5 and BW-6 back into the ground water detection monitoring program at the Facility. The owner or operator shall comply with the ground water quality assessment program pursuant to OAC Rule 3745-27-10(E).

Bob Taft, Governor  
Bruce Johnson, Lieutenant Governor  
Joseph P. Koncelik, Director

Mr. Michael R. Mackenzie  
Superintendent of Solid Waste  
City of St. Marys  
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A detailed account of Ohio EPA's review of the ground water demonstration will be sent to you under separate cover.

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 of Ohio EPA (Director) 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 grounds upon which the appeal is based. The appeal shall be filed with the Commission within thirty (30) days after notice of the Director's action. A copy of the appeal shall be served on the Director within three (3) days after 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 concerning this letter, please contact Mike Reiser of Ohio EPA, NWDO at (419) 373-3126.

Sincerely,

Joseph P. Koncelik, Director

MR/MG/sw

cc: Scott Hester, DSIWM, CO  
Randy Skrzyniecki, DDAGW, NWDO  
Jack Leow, DDAGW, NWDO  
Mike Reiser, DSIWM, NWDO  
Bill Petruzzi, Hull & Associates