



State of Ohio Environmental Protection Agency

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Columbus, Ohio 43216-1049

Mr. Charlie Stewart
Brush Wellman, Inc.
14710 West Portage River South Road
Elmore, Ohio 43416-2745

**Re: Brush Wellman, Inc., Ottawa County
Ohio Administrative Code (OAC) Rule 3745-30-08(D)(9) Approval**

Dear Mr. Stewart:

On July 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 the Active Industrial Solid Waste Landfill*," dated July 5, 2006, for the Brush Wellman Industrial Waste Landfill (Facility) located in Ottawa County.

According to the document, analysis of the ground water detection monitoring data from the April and November 2005 sampling events indicated that the following statistically significant increase was detected for two consecutive monitoring events: alkalinity in monitoring well SW-02U.

Pursuant to OAC Rule 3745-30-08(D)(9), the owner or operator may demonstrate that a source other than the landfill facility is the cause of the contamination, or that the statistically significant increase resulted from error in sampling, analysis, or statistical evaluation, or natural variation in ground water quality. A report documenting this demonstration must be submitted to and approved by Ohio EPA.

The July 5, 2006 document concluded that the statistically significant change for alkalinity in monitoring well SW-02U was likely due to natural variability of the ground water quality, and not as a result of impact from the landfill. Sampling pursuant to OAC Rule 3745-30-08(D)(12) was conducted on July 14, 2006.

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the July 5, 2006 document. Therefore, pursuant to OAC Rule 3745-30-08(D)(9), the owner or operator is hereby authorized to continue the detection monitoring program at the Facility for monitoring well SW-02U.

Should future or existing ground water sampling results indicate statistically significant changes in ground water monitoring parameters, the owner or operator will be required to

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

either enter into assessment monitoring in accordance with OAC Rule 3745-30-08(E) or obtain approval to remain in the detection monitoring program.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. 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 thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals 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 Kimberly Burnham of Ohio EPA, NWDO at (419) 373-3049.

Sincerely,

Shannon Nabors, District Chief
Northwest District Office
for Joseph P. Koncelik, Director

PC: Scott Hester, DSIWM, CO
Eric Getz, NWDO
Chad Zajkowski, DDAGW, NWDO
Jack Leow, DDAGW, NWDO
Kimberly Burnham, DSIWM, NWDO