



State of Ohio Environmental Protection Agency

**STREET ADDRESS:**

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122 South Front Street  
Columbus, OH 43215

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**MAILING ADDRESS:**

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

Mr. Robert Kappler, Service Director  
City of Brooklyn  
7619 Memphis Avenue  
Brooklyn, Ohio 44144

**Re: Brooklyn Sanitary Landfill, Cuyahoga County  
OAC Rule 3745-27-10(D)(7)(c)(ii), Refuse To Grant Authorization**

Dear Mr. Kappler:

On July 6, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a document dated July 2006 regarding the ground water detection monitoring program at the Brooklyn Sanitary Landfill (Facility) located in Cuyahoga County. The document was submitted by Civil & Environmental Consultants, Inc. on behalf of the City of Brooklyn for the April 2006 semi-annual ground water detection monitoring event at the Facility.

The submittal represented the owner or operator's demonstration in accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) that the statistically significant increases of cobalt, nickel, and zinc at ground water monitoring well W-9 were not the result of impact from the landfill and included a request to continue detection monitoring at this well.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator may demonstrate that a source other than the facility caused the contamination, or the increase resulted from error in sampling, analysis, or evaluation, or natural variation in ground water quality. The owner or operator has not provided sufficient evidence to demonstrate that the increases in cobalt, nickel, and zinc were from a source other than the landfill. Therefore, I refuse to grant approval to continue ground water detection monitoring for well W-9.

You are hereby notified that this action of the 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 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

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



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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, OH 43215

If you have any questions concerning this letter, please contact Joshua Adams of Ohio EPA, NEDO at (330) 963-1103.

Sincerely,

Joseph P. Koncelik  
Director

JPK/MM/sw

cc: Eric Adams, DSIWM-NEDO  
Doug Dobransky, DDAGW-NEDO  
Scott Hester, DSIWM-CO  
Brian Athey, Cuyahoga County Board of Health  
File: [Adams/Land/Brooklyn LF/COR/18]