



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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MAILING ADDRESS:

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Columbus, OH 43216-1049

Mr. Michael Holmes
Regus Industries, LLC
2730 Transit Road
West Seneca, NY 14224

**Re: Sunny Farms Landfill, Seneca County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b) Approval**

Dear Mr. Holmes:

On January 26, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a document titled "*Statistical Analysis of Groundwater Quality Data November 2006 Semiannual Detection Monitoring Event*," dated January 2007, for the Sunny Farms Landfill, located in Loudon Township, Seneca County, Ohio. This document was submitted by Burgess and Niple on behalf of the owner/operator, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), for continuation of detection monitoring at Sunny Farms Landfill. Since the time limits in accordance with 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 January 2007, document concluded that the statistically significant change for sodium at monitoring well MP1B was due to a natural variation in ground water quality during the November 2006 semi-annual sampling event, and the January 10, 2007 confirmation sampling event, 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 demonstrated that the statistically significant increase in sodium is not the result of impact from the facility. Therefore, at this time, I grant approval to reinstate ground water monitoring well MP1B back into the ground water detection monitoring program at the Facility.

A detailed account of Ohio EPA's review of the ground water demonstration will be sent to you under separate cover.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Mr. Michael Holmes
Regus Industries, LLC
Page 2 of 2

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 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 Tyler Madeker of Ohio EPA, NWDO at (419) 373-3078.

Sincerely,

Shannon Nabors, Chief
Northwest District Office
for Chris Korleski, Director

pc: John Walker, Sunny Farms Landfill, LLC
Nicki Rumschlag, Seneca County Health Department
Michael E. Leone, Burgess & Niple, Inc.
Carl Mussenden, DSIWM, CO
NWDO File: Seneca County, Sunny Farms Landfill, Groundwater

ec: Jack Leow, DDAGW, NWDO
Habib Kaake, DSIWM, NWDO
Andy Drumm, DSIWM, NWDO
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5-7152