



State of Ohio Environmental Protection Agency

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August 13, 2008

Wilmington City Mayor and Council
Mayor David Raizk
69 North South Street
Wilmington, Ohio 45177

**RE: Wilmington Landfill, Clinton County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval**

Dear Mayor Raizk:

On June 15, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a document titled "OAC 3745-27-10(D)(7)(c) Request and Review of Demonstration in Statistical Report of Ground Water Quality," dated June 2008, for the Wilmington Sanitary Landfill (Facility) located in Clinton County. This document was submitted by Hull and Associates, Inc., on behalf of the City of Wilmington, and contains the ground water sampling results and the statistical analysis from the April 2, 2008 semiannual ground water sampling event at the Facility. Re-sampling occurred May 22, 2008.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant changes were detected: ammonia in monitoring well P-6S.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator may demonstrate that a source other than the landfill caused the contamination, or that the statistically significant increase over background resulted from error in sampling, analysis, statistical evaluation, or natural variation in ground water quality. A report documenting this demonstration must be submitted to and approved by Ohio EPA. If the owner or operator does not obtain approval to continue detection monitoring within two hundred ten (210) days from initial sampling, the owner or operator is required to comply with the provisions of OAC Rule 3745-27-10(E) for ground water quality assessment monitoring.

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

The June 2008 document concluded that the statistically significant changes for ammonia in monitoring well P-6S, was due to natural variation in ground water quality, and not as a result of impact from the landfill. Monitoring well P-6S was initially sampled on April 2, 2008.

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the June 2008 document for ammonia in monitoring well P-6S. Therefore, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator is hereby authorized to continue the detection monitoring program at the Facility for monitoring well P-6S.

Should future or existing ground water sampling results indicate statistically significant changes in the ground water monitoring parameters, the owner or operator will be required to either enter into assessment monitoring in accordance with OAC Rule 3745-27-10(E), or obtain approval to remain in detection monitoring program.

You are hereby notified that this action of the Director of Environmental Protection (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 appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeal 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 Maria Lammers of the Ohio EPA, SWDO at (937) 285-6046.

Sincerely,

Thomas A. Winston, P.E.
Chief, Southwest District Office
for Chris Korleski
Director, Ohio Environmental Protection Agency

cc: Tracy Buchanan, DSIWM-SWDO
Greg Brown, Ohio EPA, SWDO, DDAGW
Scott Hester, DSIWM-CO
Matt Johannes, Clinton County Health Department
Don Maher, Wilmington Landfill