



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

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

April 1, 2009

Chris Jaquet
District Environmental Manager
Browning-Ferris Industries of Ohio, Inc.
Lorain County II Landfill Office
43502 Oberlin-Elyria Road
Oberlin, Ohio 44074

**Re: Willowcreek Sanitary Landfill, Portage County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval**

Dear Mr. Jaquet:

The Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received an "Alternate Source Demonstration for Chloride at Monitoring Well MW-5" for the Willowcreek Sanitary Landfill located in Portage County. The document, dated February 10, 2009, was submitted by Herst & Associates, Inc. on the behalf of BFIO Willowcreek Landfill and included information pertaining to the October 2008 monitoring event in accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii).

According to the document, analysis of the ground water detection monitoring data indicated that a statistically significant increase (SSI) in chloride reported at ground water monitoring well MW-5 in the October 2008 semi-annual ground water detection monitoring report was a "false trigger" due to natural variation.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), 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 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.

The February 10, 2009 document concluded that the statistically significant change for chloride at monitoring well MW-5 was 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 concurs with the demonstration included in the February 10, 2009

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

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document. Therefore, pursuant to OAC 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 MW-5.

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 either enter into assessment monitoring in accordance with OAC Rule 3745-27-10(E) or obtain an approval to remain in the detection monitoring program. 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, OH 43215

If you have any questions concerning this letter, please contact Jarnal Singh, Ohio EPA, Northeast District Office at (330) 963-1276.

Sincerely,

William Skowronski, District Chief
Northeast District Office
for Chris Korleski, Director

cc: Lynn Sowers, DSIWM, NEDO
DuWayne Porter, Portage County HD
Scott Hester, DSIWM, CO
Doug Dobransky, DDAGW, NEDO
Joe Montello, Allied Waste Industries, Inc.