



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

July 1, 2020

Mr. Tim Gourley  
Lake County Department of Utilities  
Lake County Administration Center  
105 Main Street  
P.O. Box 490  
Painesville, OH 44077

**Re: Lake County Solid Waste Facility  
Director's Authorization  
Non-Approval  
Municipal Solid Waste Landfills  
Lake County  
MSWL018755**

**Subject: Lake County Solid Waste Facility, Lake County  
Ohio Administrative Code (OAC) Rule 3745-27-10(C)(7)(g)  
Non-Approval**

Dear Mr. Gourley:

On April 6, 2020, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a request, titled, "OAC 3745-27-10(C)(7)(g) Request to Update the Ground Water Background Database with Statistically Different Data." On April 23, 2020, additional information supporting the earlier request was received. The documents were submitted by Mannik & Smith Group, Inc., on behalf of Lake County Department of Utilities (Owner), owner of Lake County Solid Waste Facility (Facility). The submission requested to update the ground water background data group representing the background water quality for the Facility's Till Significant Zone of Saturation (SZS) well MW-41 and Bedrock/Till Interface (BTI) SZS wells MW-18, MW-21, MW-36, MW-37, MW-38, MW-39, and MW-40 at the Facility located at 2039 Blasé Nemeth Road in Painesville, Lake County, Ohio.

Pursuant to OAC Rule 3745-27-10(C)(7)(g), background data can be added only in blocks of data resulting from the analysis of four or more statistically independent samples after the data have been statistically compared to the current background data and no statistical differences are detected, unless another method is deemed acceptable to the director.

The Owner had proposed 120 ground water data values from wells MW-18, MW-21, MW-36, MW-37, MW-38, MW-39, MW-40, and MW-41 that were previously shown to represent a statistically significant increase, upward trending and/or an outlier in proposed data sets as part of the Facility's background data. Upon review, Ohio EPA found that 119 of the 120 requested data values met the requirements for Director's Approval and will be issued in a separate letter. The remaining data value is the June 14, 2016 chloride datum (570 mg/L) at well MW-18 and is a low concentration statistical outlier of chloride in BTI SZS well MW-18.

The June 14, 2016 chloride result in well MW-18 is the lowest concentration in the proposed chloride data set for MW-18 and is most likely an artifact of sampling and/or analysis error.

Ohio EPA has reviewed the applicable information and does not concur with the request to include the above-referenced datum for chloride at well MW-18 as an addition to existing background data. Therefore, I cannot approve Owner's request to add the June 14, 2016 chloride datum (570 mg/L) at well MW-18 to the background data set for that well in accordance with OAC Rule 3745-27-10(C)(7)(g).

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 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 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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  
30 East Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Al Muller of Ohio EPA, NEDO at (330) 963-1211.

Sincerely,

A handwritten signature in blue ink that reads "Laurie A. Stevenson".

Laurie A. Stevenson  
Director, Ohio EPA

LAS/AM/sc

ec: Jarnal Singh, Ohio EPA, DMWM, NEDO  
Eric Adams, Ohio EPA, DMWM, NEDO  
Mark Kroenke, Ohio EPA, DMWM, NEDO  
Al Muller, Ohio EPA, DMWM, NEDO  
Clarissa Gereby, Ohio EPA, DMWM, NEDO  
Laura Tobias, Ohio EPA, DMWM, NEDO  
Jeremy Carroll, DMWM, CO  
Scott Sutliff, DMWM, CO  
Chris Loxterman, Lake County Health Department  
Doug Perisutti, Mannik & Smith Group, Inc.

Project ID #9886