



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director  
OHIO E.P.A.

NOV -4 2015

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FILED DIRECTOR'S JOURNAL

The Honorable Richard H. Balbier  
Mayor, City of Brooklyn  
7619 Memphis Avenue  
Brooklyn, Ohio 44144

Re: City of Brooklyn Landfill  
Director's Authorization  
Approval  
Municipal Solid Waste Landfills  
Cuyahoga County  
MSWL018802

**Subject: City of Brooklyn Landfill, Cuyahoga County  
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval**

Dear Mayor Balbier:

On August 19, 2015, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a document titled *Alternate Source Demonstration – April 2015 Statistically Significant Increase of Arsenic at Monitoring Well W-12* dated August 17, 2015, for the City of Brooklyn Landfill (Facility) located in Cuyahoga County. This document was submitted by Civil and Environmental Consultants on behalf of the Facility, and contains an alternate source demonstration (ASD) for a verified statistically significant increase (SSI) for arsenic in ground water samples from monitoring well W-12 during the 2015 first semiannual sampling event at the Facility.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant change was detected in the Uppermost Aquifer System (UAS): arsenic, monitoring well W-12.

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 not later than 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 August 17, 2015, document concluded that the statistically significant change for arsenic at monitoring well W-12 was due to natural/spatial variation within the UAS and not as a result of impact from the landfill. Monitoring well W-12 was initially sampled on April 23, 2015.

CITY OF BROOKLYN LANDFILL  
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Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the August 17, 2015, document. 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 W-12.

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 approval to remain in the 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 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  
77 South High St., 17<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions concerning this action, please contact Stephen Bopple, DMWM, NEDO at (330) 963-1199.

Sincerely,



Kurt M. Princic  
Chief, Northeast District Office  
for Craig W. Butler, Director

KMP:SB:cla

ec: Lynn Sowers, Ohio EPA, NEDO, DMWM  
Paul Parrish, Ohio EPA, NEDO, DDAGW

cc: Dane Tussel, Cuyahoga County Board of Health