



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

OHIO E.P.A.

JUL -8 2016

ENTERED DIRECTOR'S JOURNAL

JULY 8, 2016

Mr. Phil Morris
Corporate Environmental Services
Duke Energy
39 E. 4th Street
Cincinnati, Ohio 45202

Re: Dynegy Zimmer LLC
Residual Solid Waste Landfill
Director's Authorization
Approval
Residual Solid Waste Landfills
Clermont County
RSWL018782

**Subject: Dynegy Zimmer LLC Residual Solid Waste Landfill, Clermont County
Ohio Administrative Code (OAC) Rule 3745-30-08(D)(9)(b) Approval**

Dear Mr. Morris:

On December 24, 2015, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a document titled "W.H. Zimmer Residual Waste Landfill October 2015 Groundwater Monitoring Results and Statistical Evaluation", dated December 17, 2015 for the Dynegy Zimmer LLC Residual Solid Waste Landfill (Facility) located in Clermont County. This document was prepared by AECOM, on behalf of Dynegy Zimmer, LLC. The December 24, 2015 document included the following reports: "The Report of Groundwater Monitoring Results for October 2015", dated November 10, 2015 and the "Statistical Evaluation of Groundwater Monitoring Data for October 2015 Sampling Event", dated December 14, 2015.

On February 10, 2016, Ohio EPA received supplemental Piper-Trilinear Diagrams and a request titled "October 2015 Sampling Event Alternate Source Demonstration Support", dated January 18, 2016. The request was prepared by M.S. Beljin and Associates, on behalf of Dynegy Zimmer, LLC.

Pursuant to Ohio Administrative Code (OAC) rule 3745-30-08(D)(9)(b), the owner or operator may demonstrate that a source other than the landfill facility is the cause of the contamination or that the statistically significant increase results from error in the sampling, analysis or statistical evaluation, or from natural variation in ground water quality.

As demonstrated in the aforementioned documents, the statistically significant changes for calcium at monitoring well MW-B were 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 aforementioned documents. Therefore, pursuant to OAC rule 3745-30-08(D)(9)(b), the

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owner or operator is hereby authorized to continue the detection monitoring program at the Facility for monitoring well MW-B.

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 3745-30-08(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 Street, 17th Floor
Columbus, Ohio 43215

If you have any questions, please contact Toni Carmichael, DMWM, SWDO at (937) 285-6090.

Sincerely,



Bonnie Buthker, Chief
Southwest District Office
for Craig W. Butler, Director

ec: Robert Wilde, Clermont County Public Health
John McGinnis, DDAGW-SWDO
Phil Morris, Dynege