



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

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OHIO EPA

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LEGAL OFFICE

DECEMBER 20, 2016

David Pytak  
Aluminum Smelting & Refining  
40 Fountain Plaza, 8<sup>th</sup> Floor  
Buffalo, NY 14202

RE: Aluminum Smelting & Refining Landfill  
Director's Authorization  
Non-Approval  
Industrial Solid Waste Landfills  
Ashtabula County  
ISWL018817

**Subject: Aluminum Smelting & Refining Landfill, Ashtabula County  
Ohio Administrative Code (OAC) Rule 3745-30-08(E)(5) Non-Approval**

Dear Mr. Pytak:

On May 31, 2016, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office, (NEDO), received a document titled "2016 First Semi-Annual Assessment Report for Aluminum Smelting & Refining Landfill" dated May 27, 2016, for Aluminum Smelting & Refining Landfill (Facility) located in Ashtabula County. This document was submitted by Bowser-Morner, Inc., on behalf of Aluminum Smelting & Refining Company (ASR) pursuant to OAC Rule 3745-30-08(E)(5), and requested reinstatement of the ground water detection monitoring program for specific monitoring wells at the Facility and to release the owner or operator from the obligation to comply with the ground water quality assessment monitoring program. The assessment monitoring program was initially implemented due to the detection of statistically significant changes of specific conductance, calcium, chloride, barium, and magnesium in monitoring well MW-4. Following replacement of monitoring well MW-4 with MW-4R and installation of assessment monitoring wells AW-1 and AW-2, subsequent statistically significant increases (SSIs) have been detected. Specifically, manganese in monitoring well AW-1; arsenic, calcium, and manganese in monitoring well AW-2; and arsenic, magnesium, and manganese in monitoring well MW-4R during the April 13, 2016 ground water sampling event at the Facility.

Pursuant to OAC Rule 3745-30-08(E)(5), if the owner or operator determines, based on the results of the determination made according to OAC Rule 3745-30-08(E)(2), that no waste-derived constituents from the facility have entered the ground water, then the owner or operator shall request that the director approve reinstatement of the detection monitoring program described in OAC Rules 3745-30-08(C) and (D). Until the director approves reinstatement of the detection monitoring program, the owner or operator shall comply with OAC Rules 3745-30-08(E)(6) and (F).

The May 27, 2016 document concluded that the SSIs in manganese in monitoring well AW-1; arsenic, calcium, and manganese in monitoring well AW-2; and arsenic, magnesium, and manganese in monitoring well MW-4R are not waste-derived constituents from the Facility that have entered the ground water, and arsenic concentrations may be a temporary spike resulting from disturbance to the aquifer during well installation. Ohio EPA has reviewed the May 27, 2016 document and has determined that ASR has not provided sufficient evidence to demonstrate that the SSIs in manganese in monitoring well AW-1; calcium, arsenic and manganese in monitoring well AW-2; and arsenic, magnesium, and manganese in monitoring well MW-4R are not waste-derived constituents from the Facility that entered the ground water. Ohio EPA concluded the following:

- While the replacement of damaged monitoring well MW-4 with MW-4R has resulted in lower ground water sample contaminant concentrations in MW-4R, there are still SSIs evident in MW-4R and in assessment monitoring wells AW-1 and AW-2.
- Given the limited detection monitoring analyte list approved for the Facility, additional assessment monitoring is needed to confirm or deny whether the detected SSIs are the result of an impact from the Facility.

Therefore, I cannot approve reinstatement of the ground water detection monitoring program at monitoring wells AW-1, AW-2, and MW-4R. ASR shall comply with the ground water quality assessment program pursuant to OAC Rule 3745-30-08(E).

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 Ohio Revised Code 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 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

Aluminum Smelting & Refining Landfill

OAC Rule 3745-30-08(E)(5)

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A detailed account of Ohio EPA's review of the ground water demonstration will be sent to you in separate correspondence. If you have any questions concerning this letter, please contact Katharina Snyder, Ohio EPA, Northeast District Office at (330) 963-1257.

Sincerely,

A handwritten signature in black ink, appearing to read "CWB", with a stylized flourish extending to the right.

Craig W. Butler  
Director

CWB:KS:cla

ec: Lynn Sowers, Ohio EPA, NEDO, DMWM  
Eric Adams, Ohio EPA, NEDO, DDAGW  
Ray Saporito, Ashtabula County Health Department,

cc: Jeffery D. Arp, Bowser-Morner, Inc.