



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

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LEGAL OFFICE

December 29, 2016

Mr. Phil Morris
Senior Environmental Professional
Dynegy Operating Company
1500 Eastport Plaza Drive
Collinsville, Illinois 62234

Re: Dynegy Zimmer LLC
Residual Waste Landfill
Director's Action
Non-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) Non-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 (Dynegy). 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 January 18, 2016 request was prepared by M.S. Beljin and Associates, on behalf of Dynegy Zimmer, LLC.

Pursuant to OAC Rule 3745-30-08(D)(9), 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 (SSI) results from error in the sampling, analysis, or statistical evaluation, or from natural variation in ground water quality, and request that the director approve continuation of the detection monitoring program.

The January 18, 2016 document was submitted to support the claim that statistically SSIs for calcium and sulfate were not a result of the landfill. However, the single line of evidence provided was an inter-well tolerance interval comparison between the SSIs in MW-8 and the upper tolerance limit established from wells MW-3 (for calcium) and MW-

10 (for sulfate). Hydraulically, MW-3 and MW-10 are screened in the deeper bedrock of the uppermost aquifer system and MW-8 is installed in a shallower significant zone of saturation. Since neither MW-3 nor MW-10 monitor the same zone as MW-8, this type of inter-well comparison does not demonstrate that a source other than the landfill caused the SSIs.

Ohio EPA requested more relevant geochemical information from Dynegy. In response, Dynegy submitted multiple Piper-Trilinear diagrams. The diagrams prepared based on the data from the April sampling events from 2010 through 2015 depicted varying degrees of geochemical change in MW-8 and other selected wells. The evaluation depicting MW-8 water quality indicated an apparent bicarbonate decrease and a sulfate increase over the time range illustrated. Since natural ground water in MW-8 is more bicarbonate-based, and a dominant waste-derived constituent (dissolved gypsum) is more sulfate-based, the geochemical evidence for MW-8 does not demonstrate that a source other than the landfill caused the SSIs. Rather, the data is more suggestive that the landfill and/or related activity is the source of the SSIs.

Neither line of evidence submitted supports Dynegy's conclusion that a source other than the landfill caused the SSIs. Therefore, I cannot approve continuation of ground water detection monitoring at monitoring well MW-8. Dynegy 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. 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., 17th Floor
Columbus, Ohio 43215

Mr. Phil Morris
Dynegy Zimmer LLC Residual Waste Landfill
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If you have any questions, please contact Toni Carmichael, DMWM, SWDO at (937) 285-6090.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Butler", with a horizontal line extending to the right.

Craig W. Butler
Director

ec: Michelle Ackenhausen, DMWM, SWDO
Robert Wildey, Clermont County Public Health
John McGinnis, DDAGW, SWDO
Phil Morris, Dynegy