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LEGAL OFFICE

FEBRUARY 23, 2017

Mr. Andy Cvitkovich
Engineering Manager
United States Gypsum Company
121 South Lake Street
Gypsum, Ohio 43433

Re: United States Gypsum Co
Director's Authorization
Approval
Residual Solid Waste Landfills
Ottawa County
RSWL018760

**Subject: United States Gypsum Landfill, Ottawa County
Ohio Administrative Code (OAC) Rule 3745-30-08(C)(6)(g)**

Dear Mr. Cvitkovich:

On December 16, 2016, Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office received a document titled, "Statistical Report of Groundwater Quality," (Submittal) dated December 14, 2016, for United States Gypsum Residual Landfill (Facility) located in Ottawa County. This document was submitted by Hull & Associates, Inc.

Pursuant to OAC Rule 3745-30-08(C)(6)(g), background data can only be added in blocks of data resulting from the analysis of four or more statistically independent samples after the data have been statistically compared to current background data and no statistical differences are detected, unless another method is deemed acceptable to the director.

The owner or operator requests to update the background databases with previously statistically significant results supported by data and information that demonstrates these data are natural variations of ground water quality and not attributable to a release of waste-derived constituents to ground water. The owner/operator is requesting to re-establish this background for temperature at monitoring well MW-1 using temperature measurements collected between October 19, 2004, and November 4, 2015.

Ohio EPA has reviewed the applicable information and concurs with the alternate method of updating background as described in the document *Statistical Report of Groundwater Quality*, dated December 14, 2016. Therefore, pursuant to OAC Rule 3745-30-08(C)(6)(g), the owner or operator is hereby authorized to incorporate the temperature measurements from MW-1 collected between October 19, 2004, and November 4, 2015, in the Facility's background data.

Mr. Andy Cvitkovich
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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 concerning this letter, please contact Susan Hardy of Ohio EPA, NWDO at (419) 373-3043.

Sincerely,



Shannon Nabors, Chief
Northwest District Office
for Craig W. Butler
Director, Ohio EPA

/mrf

pc: William Petruzzi, Hull & Associates, Inc.

ec: Habib Kaake, DMWM-NWDO
Mike Reiser, DMWM-NWDO
Ken Brock, DDAGW-NWDO

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