



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

SEPTEMBER 1, 2017

Tim Haaf
East Liverpool Landfill, Inc.
c/o Waste Management - Closed Sites
Management Group - Midwest
851 Robison Road East
Erie, Pennsylvania 16509

**RE: East Liverpool Landfill Inc.
Non-Permit Related Variance
Approval
Municipal Solid Waste Landfills
Columbiana County
MSWL020039**

**Subject: East Liverpool Landfill, Columbiana County
Ohio Administrative Code (OAC) Rule 3745-27-03(C) Variance**

Dear Mr. Haaf:

The Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received your request titled "Request for Director's Approval in Accordance with OAC 3745-27-03(C) Variance Application for Periodically Dry Corrective Measures Wells." The request was submitted in accordance with Ohio Administrative Code (OAC) Rule 3745-27-03(C) by Waste Management - Closed Sites Management Group - Midwest, on behalf of East Liverpool Landfill, Inc., regarding the closed East Liverpool Landfill located at 44295 Y&O Road in Wellsville, Ohio in Columbiana County. The documents request a variance from the requirements of OAC Rules 3745-27-10(D)(5) and 3745-27-10(F)(2)(e)(ii) to allow the use of an alternative parameter sample list and collection order for three periodically dry/low yielding corrective measures monitoring wells.

Pursuant to OAC Rule 3745-27-10(D)(5), all wells in the detection monitoring program screened in the uppermost aquifer system shall be sampled and analyzed for parameters 1 through 66 of Appendix I of OAC Rule 3745-27-10.

Pursuant to OAC Rule 3745-27-10(F)(2)(e)(ii), all wells in the corrective measures monitoring program shall be monitored semiannually for the presence above background levels of those parameters numbered 1-66 in Appendix I of OAC Rule 3745-27-10 determined not to have been released to ground water.

Corrective measures monitoring wells UF-19, UF-20, and UF-23 do not consistently yield sufficient ground water volume for the analyses required in OAC Rules 3745-27-10(D)(5) and 3745-27-10(F)(2)(e)(ii). The variance will allow for the use of Table 3 (below) as an alternative parameter sample list and collection order to maximize the number of constituents analyzed for the three corrective measures wells that periodically do not contain sufficient water to collect a complete sample.

Table 3
 Low Yield Wells
 Sample Order and Minimum Sample Volumes
 East Liverpool Landfill

Sample Order	Parameter	Minimum Sample Volume
1	VOCs	2-40 ml
2	Metals Antimony Arsenic Barium Beryllium Cadmium Calcium Chromium Cobalt Copper Iron Lead Magnesium Manganese Mercury Nickel Potassium Selenium Silver Sodium Thallium Tin Vanadium Zinc	300 ml
3	Ammonia	20 ml
4	Chloride	15 ml
5	Total Alkalinity	50 ml
6	TDS	50 ml
7	Sulfate	15 ml
8	Nitrate-Nitrite	15 ml
9	SVOCs	1000 ml
10	Herbicides	1000 ml
11	Pesticides	1000 ml
12	PCBs	1000 ml
13	Cyanide	50 ml
14	Sulfide	50 ml
15	Turbidity	In situ – 30 mL
16	pH Specific Conductance Temperature	In situ – 150 mL

A complete Appendix I ground water parameter list will be analyzed when the yield in each well is sufficient. However, the request shows that conditions at corrective measures monitoring wells UF-19, UF-20, and UF-23 justify a variance to the sampling and analysis program when yield is low.

Pursuant to Ohio Revised Code (ORC) Section 3734.02(A) and OAC Rule 3745-27-03(C), "the director shall grant a variance only if the applicant demonstrates to the director's satisfaction that construction, operation, closure activities, and/or post-closure activities in the manner approved by the variance and any terms and conditions imposed as part of the variance will not create a nuisance or a hazard to public health or safety or the environment and is unlikely to result in violation of ORC Chapter 3704, 3714, 3734, and 6111 and any rules adopted thereunder."

Ohio EPA has reviewed the request and determined that granting a variance to East Liverpool Landfill, Inc. to use an alternative parameter sample list and collection order for corrective measures monitoring wells UF-19, UF-20, and UF-23 will not create a nuisance or a hazard to public health or safety or the environment and is unlikely to result in a violation of any other requirements of ORC Chapters 3704, 3714, 3734, and 6111 and any rules adopted thereunder. Therefore, pursuant to ORC Section 3734.02(A) and OAC Rule 3745-27-03(C), East Liverpool Landfill, Inc. is hereby granted a variance to use Table 3 when corrective measures monitoring wells UF-19, UF-20, and UF-23 do not yield sufficient water to collect a complete sample to comply with OAC Rules 3745-27-10(D)(5) and 3745-27-10(F)(2)(e)(ii). This variance shall remain in effect unless otherwise revoked by the Director of Environmental Protection (Director).

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 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
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

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If you have any questions concerning this letter, please contact Colum McKenna of Ohio EPA, NEDO at (330) 963-1268.

Sincerely,



Craig W. Butler
Director, Ohio EPA

CWB:CM:cla

ec: Jarnal Singh, Ohio EPA, NDO, DMWM
Scott Hester, Ohio EPA, Central Office, DMWM
Lori Barnes, Columbiana County Health Dept.