



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

JAN 05 2018

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

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

Ohio EPA JAN 5 '18
Entered Directors Journal

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

Dear Mr. Pytak:

On October 26, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a document titled *Source Demonstration and Request to Return to Detection Monitoring in Accordance with 3745-30-08(E)(5) for Aluminum Smelting & Refining Landfill*. The document was submitted in accordance with OAC Rule 3745-30-08(E)(5) by Bowser-Morner, Inc., on behalf of Aluminum Smelting and Refining (Owner), 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 implemented due to the detection of statistically significant changes for arsenic at assessment monitoring well AW-1; arsenic, calcium, and manganese at assessment monitoring well AW-2; and arsenic, magnesium, and manganese at monitoring well MW-4R at the facility.

Pursuant to OAC Rule 3745-30-08(E)(5), if the owner or operator determines 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 paragraphs (C) and (D) of this rule.

The 10/26/2017 document concluded that the statistically significant changes for arsenic at assessment monitoring well AW-1; arsenic, calcium, and manganese at assessment monitoring well AW-2; and arsenic, magnesium, and manganese at monitoring well MW-4R are not a result of impact from the landfill because the facility contains a single waste consisting of "salt-cake." Analytical results show that the predominant compounds and most likely indicators of a release from this waste are chloride, sodium, potassium, aluminum, and barium and not arsenic, magnesium, and manganese. Ohio EPA has reviewed the applicable information and concurs with this conclusion. Therefore, pursuant to OAC Rule 3745-30-08(E)(5), I hereby approve reinstatement of the ground water detection monitoring program for the monitoring wells in the ground water quality

assessment monitoring program, noted above, and release the owner or operator from the obligation to comply with this assessment monitoring program at the facility. This approval of reinstatement of the detection monitoring program applies to monitoring wells AW-1, AW-2, and MW-4R.

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 the ground water quality assessment monitoring program in accordance with OAC Rule 3745-30-08(E) or obtain approval to remain in the detection monitoring program pursuant to OAC Rule 3745-30-08(E)(5).

This approval shall not be construed to release the owner or operator from the obligation to comply with the requirements of any other ground water quality assessment monitoring program being conducted at the facility.

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 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
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Katharina Snyder of Ohio EPA, NEDO at (330) 963-1257.

Sincerely,



Kurt M. Princic
Chief, Northeast District Office
for Craig W. Butler, Director, Ohio EPA

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