



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

July 24, 2007

**RE: WESTLAKE CITY LANDFILL
CUYAHOGA COUNTY
GROUND WATER
NOTICE OF VIOLATION**

Mr. Don Glauner
Service Director
City of Westlake
27216 Hilliard Boulevard
Westlake, Ohio 44145

Dear Mr. Glauner:

On February 12, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Northeast District Office (NEDO), received a submittal dated January 2007, entitled "Post-Closure Groundwater Monitoring Report, November 2006 Sampling Episode, Former Westlake Sanitary Landfill Facility, Westlake, Ohio." The report was prepared and submitted by Earth Consulting, Ltd. on the behalf of the City of Westlake.

Westlake Landfill closed under the 1990 Solid Waste Landfill Regulations, and is currently conducting post-closure ground water detection monitoring in accordance with Ohio Administrative Code (OAC) 3745-27-10(D) of the 2003 revised Solid and Infectious Waste regulations. The sampling report was prepared and submitted to conform with OAC 3745-27-10(C)(10) of the 2003 revised Solid and Infectious Waste regulations, as follows:

Ohio Administrative Code (OAC) 3745-27-10(C)(10): Submission of results. All ground water elevation, sample analysis and statistical analysis results generated in accordance with paragraphs (B), (C), (D), (E) and (F) of this rule shall be submitted to Ohio EPA not later than seventy-five days after sampling the well. All ground water data and an accompanying text shall be submitted to Ohio EPA in a form specified by the Director or his authorized representative.

The 2006 second semi-annual ground water detection monitoring report was reviewed for compliance with OAC 3745-27-10(D) and the facility's site-specific ground water detection monitoring plan (GWDMP). Ground water elevations were collected from all monitoring wells prior to any purging or sampling. A water sample was collected from each ground water monitoring well in the ground water detection monitoring system. All water samples collected during the November 2006 second semi-annual sampling event were field analyzed for OAC 3745-27-10 Appendix I parameters 67, 68, and 69.

Upon review of the document, Ohio EPA has identified the following violations of Ohio Administrative Code Chapter 3745-27-10:

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1. **Ohio Administrative Code 3745-27-10(C)(10)**: states, in part, that "*All ground water elevation, sample analysis and statistical analysis results generated in accordance with paragraphs (B), (C), (D), (E) and (F) of this rule shall be submitted to Ohio EPA not later than seventy-five days after sampling the well.*"

All of the field data sheets contained in the November 2006 second semi-annual ground water detection monitoring report were from the previous April 2006 first semi-annual ground water detection monitoring event.

The owner of Westlake Landfill should revise the November 2006 second semi-annual ground water detection monitoring report to contain the appropriate field data sheets from the November 2006 second semi-annual ground water detection monitoring event to conform with (OAC) 3745-27-10(C)(10) of the 2003 revised solid and Infectious waste regulations.

2. **Ohio Administrative Code 3745-27-10(D)(5)(a)(i)(a)**: states in part, that "*The owner or operator shall monitor the ground water monitoring well system in accordance with the following: For monitoring wells screened within the uppermost aquifer system beneath the sanitary landfill facility, the owner or operator shall, during the active life of the facility (including final closure) and the post-closure care period, monitor the wells for the following: parameters 1 through 66 in Appendix I of this rule.*"

All of the ground water samples collected during the November 2006 second semi-annual ground water detection monitoring event were not chemically analyzed for volatile organic compounds (VOC). As such, none of the ground water monitoring wells in the current ground water monitoring system were analyzed for Appendix I parameters 16-62 as specified in paragraph (D)(5)(a)(i)(a) of this rule.

The owner of Westlake Landfill should revise the November 2006 second semi-annual ground water detection monitoring report to contain the appropriate chemical analysis of appendix I parameters 16 through 62 to conform with OAC 3745-3745-27-10(D)(5)(a)(i)(a) of the 2003 revised solid and infectious waste regulations.

3. **Ohio Administrative Code 3745-27-10(D)(5)(a)(ii)(b)**: states in part, that "*Beginning with receiving the results from the first monitoring event collected pursuant to paragraph (D)(5)(a)(ii)(b) of this rule and semiannually thereafter, by statistically analyzing the results from wells screened in the uppermost aquifer system for the parameters specified in paragraph (d)(5)(a)(i) of this rule.*"

The November 2006 second semi-annual ground water detection monitoring report indicates that a trend analysis was performed for the following Appendix I parameters (68) pH, (69) specific conductance, and (70) total dissolved solids. OAC 3745-27-10(D)(5)(a)(ii)(b) requires that the ground water analytical results be statistically analyzed for Appendix I parameters 1 through 66.

The owner of Westlake Landfill should revise the November 2006 second semi-annual ground water detection monitoring report to contain the appropriate statistical analysis of Appendix I, parameters 1 through 66, to conform with OAC 3745-27-10(D)(5)(a)(ii)(b) of the 2003 revised solid and infectious waste regulations.

4. **Ohio Administrative Code 3745-27-10(C)(6)**: states in part, that "*The statistical method specified shall be selected from one of the following:*

(a) A tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each monitoring well is compared to the upper tolerance or prediction limit.

(b) A control chart approach that gives control limits for each constituent.

(c) A parametric analysis of variance ("ANOVA") followed by multiple comparisons procedures to identify statistically significant evidence of contamination. This shall include estimation and testing of the contrasts between each monitoring well's mean and the background mean levels for each constituent.

(d) An analysis of variance ("ANOVA") based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. This shall include estimation and testing of the contrasts between each monitoring well's median and the background median levels for each constituent.

(e) Another statistical test method submitted by the owner or operator and approved by the Director or his authorized representative."

The November 2006 ground water detection monitoring report indicates that a trend analysis was performed for appendix I parameters (68) pH, (69) specific conductance, and (70) total dissolved solids. Trend analysis is not one of the statistical methods specified in OAC 3745-27-10(C)(6). As such, the November 2006 ground water detection monitoring results were not statistically analyzed in accordance with OAC 3745-27-10(C)(6).

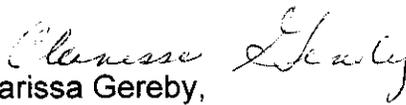
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The owner of Westlake Landfill should revise the November 2006 second semi-annual ground water detection monitoring report to contain the appropriate statistical method that conforms with the requirements of OAC 3745-27-10(C)(6) of the 2003 revised solid and infectious waste regulations.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the Entity from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

Please submit the revised November 2006 second semi-annual ground water detection monitoring report to this office within sixty days of receipt of this letter. If you have any questions regarding this review, please contact me at (330) 963-1224. Please submit all correspondence to my attention at the Ohio EPA Northeast District Office, 2110 East Aurora Road, Twinsburg, Ohio 44087.

Sincerely,


Clarissa Gereby,
Environmental Specialist
Division of Solid and Infectious Waste Management

CG:cl

cc: Chris Bosworth, Cuyahoga County Health Department
File: [Tukel/LAND/Westlake City LF/COR/18]