



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Re: Residual Waste Landfill  
Groundwater  
Notice of Violation

May 23, 2012

Mr. Andy Cvitkovich, Engineering Manager  
United States Gypsum Company  
Gypsum, Ohio 43433

Dear Mr. Cvitkovich:

The Ohio Environmental Protection Agency (Ohio EPA) performed a review of the November 9-10, 2011, annual ground water detection sampling and assessment sampling results for the U.S. Gypsum Company (USG) Residual Waste Landfill. USG is a class III closed residual waste landfill that is located in Portage Township, Ottawa County, Ohio. USG is required to operate and close the facility according to the requirements of OAC Rule 3745-30, an approved Closure Plan, and the Director's Findings and Orders dated October 12, 1994. The *"Report of Groundwater Quality for the Annual Detection and Assessment Sampling Event at the U.S. Gypsum Company Residual Waste Landfill and Notification of Statistical Significance"* was received by the Ohio EPA Northwest District office on January 23, 2012.

USG is currently conducting detection monitoring for monitoring wells MW 1-3, 6, 9 and 10, and conducting assessment monitoring for wells MW 4, 5, 7, 8R, 11, 12, 13, and 14.

## COMMENTS

### Evaluation of Previously Cited Violation

- 1. The U.S Gypsum Company continues to be in violation of Ohio Administrative Code (OAC) Rule 3745-30-08(E)(2), requiring a written report containing the determination of the rate and extent of migration of the waste-derived constituents in the ground water be submitted to Ohio EPA in the time frame specified in the submitted ground water assessment plan. The U.S. Gypsum Company did not submit the determination by December 2009, as detailed on Table 15 of the ground water quality assessment plan.**

In an Ohio EPA letter dated May 26, 2011, it was discussed that this violation would be rescinded if the due date for the submittal of the written report containing the assessment of the ground water quality is changed in the ground water quality assessment plan to give an actual date for the submittal for the two phases of assessment (MW-4/MW-5 area and the MW-7/MW-8R area).

The U.S. Gypsum Company has failed to revise the ground water quality assessment plan; therefore, the violation cannot be rescinded.

## Violations

- 2. U.S. Gypsum Company is in violation of Ohio Administrative Code (OAC) Rule 3745-30-08(E)(4) that requires the assessment wells to be sampled semiannually for the applicable indicator parameters in appendix III and those constituents determined to be released from the facility. To return to compliance, U.S. Gypsum Company must comply with OAC Rule 3745-30-08(E)(4) and sample assessment wells MW-7 and MW-8R semiannually for the applicable indicator parameters and all constituents determined to have been released from the facility.**

According to the Ground Water Quality Assessment Plan dated April 2007, the following waste-derived constituents were confirmed having concentrations above background levels (i.e., released from the facility): sulfide, 1,1-dichloroethane, cyanide, nickel, pH, conductivity, chloride and sodium. During the November 2011, semiannual assessment sampling event U.S. Gypsum Company failed to sample for the constituents sulfide and 1,1-dichloroethane at assessment wells MW-7 and MW-8R. Note that in previous correspondences Ohio EPA has informed the U.S. Gypsum Company that MW-7 and MW-8R are to be designated assessment wells due to their detection of nickel above background.

- 3. U.S. Gypsum Company is in violation of OAC Rules 3745-30-08(D)(10) requiring that within fifteen days of notifying Ohio EPA of two consecutive statistical significant increases per OAC Rule 3745-30-08(D)(8), that the owner/operator sample and analyze the affected well(s) for those parameters listed in appendix II of OAC Rule 3745-30-08. To return to compliance the U.S. Gypsum Company must immediately sample MW-1 and MW-3 in accordance with OAC Rule 3745-30-08(D)(10) and then continue to comply with the requirements of OAC Rule 3745-30-08.**

As discussed in the statistical reports of ground water quality for the October 2009, October 2010, and November 2011, annual detection ground water sampling events, statistical significant increases of the indicator parameter chloride were reported at MW-3. In addition, statistical significant increases of the indicator parameter temperature were reported at MW-1 during the annual detection sampling events for October 2010, and November 2011.

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As required by OAC Rule 3745-30-08(D)(8) the U.S. Gypsum Company notified Ohio EPA of these statistical significant increases in the appropriate reports of ground water quality, but inaccurately stated that "MW-1 and MW-3 are upgradient/reference monitoring wells and, as such, notification of statistical significance is not required". Ohio EPA disagrees with this statement. As the U.S. Gypsum Company discussed in the April 2007, Groundwater Quality Assessment Plan "Given the localized radial flow, no upgradient background well exists at the facility. This was addressed through discussions with Ohio EPA, by identifying several unaffected reference monitoring wells as temporary "background" monitoring wells for the purpose of this evaluation to satisfy the requirement of this rule" (i.e., OAC 3745-30-08(D)(11)). As a result of the two consecutive statistical significant increases for the indicator parameter temperature at MW-1 and chloride at MW-3, these two wells can no longer be considered "temporary upgradient/reference wells" and therefore the U.S. Gypsum Company must implement the requirements of OAC Rule 3745-30-08(D)(10) and continue compliance with OAC Rule 3745-30-08.

If the owner/operator has any questions, please contact Chad Zajkowski, Division of Drinking and Ground Waters, Northwest District Office, Ohio EPA, at (419) 373-3097. All submittals should be sent to Tyler Madeker, Division of Materials and Waste Management, Northwest District Office, Ohio EPA, 347 North Dunbridge Road, Bowling Green, Ohio, 43402.

Sincerely,



Tyler Madeker, R.S.  
Environmental Specialist  
Division of Materials and Waste Management

/cg

pc: Tim Fishbaugh, DDAGW-NWDO  
William Petruzzi, Hull & Associates, Inc.  
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