



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

April 22, 2013

Re: Residual Waste Landfill
Groundwater
Notice of Violation

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 June 20-21, 2012, semi-annual ground water assessment sampling results for the U.S. Gypsum Company's (owner/operator) Residual Waste Landfill. The owner/operator has a class III closed residual waste landfill that is located in Portage Township, Ottawa County, Ohio. The owner/operator 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 "Submittal of Sampling and Analysis Results for Semi-annual Sampling Event for the Groundwater Assessment Monitoring Program at the U.S. Gypsum Company Residual waste Landfill" was received by the Ohio EPA Northwest District office on September 4, 2012.

Background

During the June 20-21, 2012, assessment sampling event the owner/operator conducted assessment sampling monitoring for wells MW-4, 5, 7, 8R, 11, 12, 13, and 14. The owner/operator also performed additional assessment sampling activities at wells P-1 through P-7. Monitoring wells MW-1 and MW-3 have had two consecutive statistically significant increases for the indicator parameters temperature and chloride, respectively, and should also be considered assessment wells. This issue was brought to the owner/operator's attention in an Ohio EPA letter dated May 23, 2012.

On February 19, 2013, Ohio EPA met with the owner/operator and their consultant (Hull & Associates Inc.) to discuss ground water flow at the facility and the designation of upgradient/reference wells in order to move the assessment monitoring program forward into a compliance monitoring program or a corrective measures program. At the conclusion of the meeting it was apparent that continued discussions with the facility will be needed in order to move the facility forward. It is anticipated that the outstanding violations identified below will be addressed through this process of moving the facility forward into a compliance monitoring program or a corrective measures program.

COMMENTS

Evaluation of Previously Cited Violations

- 1. The U.S Gypsum Company (owner/operator) 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 concentration and 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 ground water quality assessment plan.**

While this violation of OAC Rule 3745-30-08(E)(2) remains outstanding, Ohio EPA understands that the owner/operator has been in the process of addressing this violation. It is anticipated that this violation will be addressed once discussions with the owner/operator regarding moving the assessment program forward into a compliance monitoring program or a corrective measures program are complete.

The owner/operator did not submit the first determination of the concentration and rate and extent by the timeframe detailed on Table 15 of the April 2007 ground water quality assessment plan (i.e., December 2009). The initial violation, stated above, was issued to the owner/operator in a letter dated October 12, 2010.

2. **The owner/operator continues to be in violation of OAC Rule 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), that the owner/operator sample and analyze the affected well(s) for those parameters listed in Appendix II of OAC Rule 3745-30-08. The details of this violation were discussed in Ohio EPA's letter dated May 23, 2012. As stated in the May 23, 2012, letter, in order to return to compliance with the requirements of OAC Rule 3745-30-08(D)(10) the owner/operator needs to sample MW-1 and MW-3 and analyze the samples for those parameters listed in Appendix II of OAC Rule 3745-30-08. While this violation of OAC Rule 3745-30-08(D)(10) remains outstanding, Ohio EPA understands that the owner/operator has been in the process of discussing this violation with Ohio EPA. It is anticipated that this violation will be addressed once discussions with the owner/operator regarding moving the assessment program forward into a compliance monitoring program or a corrective measures program are complete.**

During the June 20-21, 2012, assessment sampling event the owner/operator did not sample MW-1 or MW-3 for the parameters listed in Appendix II of OAC Rule 3745-30-08. In a letter dated November 14, 2012, the owner/operator stated they believe MW-1 and MW-3 are upgradient well locations and that any statistical exceedances identified for ground water in the vicinity of these monitoring wells are not attributed to the landfill. The owner/operator also stated they intended to submit an Alternate Source Demonstration (ASD) to Ohio EPA for MW-1 and MW-3; however, in a February 19, 2013, meeting the owner/operator stated that an ASD for MW-1 and MW-3 would not be provided.

Statements

3. **Ohio EPA does not agree with the owner/operator's statement that wells MW-1, MW-2, MW-3, MW-14, and P-1 are appropriate to be designated as upgradient wells to be used to establish background ground water quality.**

On February 19, 2013, Ohio EPA met with the owner/operator and their consultant (Hull & Associates, Inc.) to discuss the designation of upgradient well locations to be used to establish background in order to determine the concentration and rate and extent of contamination at the facility. During the meeting Ohio EPA disagreed with Hull & Associates, Inc's proposed background/reference well locations P-1, MW-3 and MW-14.

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This disagreement was based on the fact that assessment well P-1 was installed in a significant zone of saturation, not the uppermost aquifer system; assessment well MW-14 is affected, having significant increases in chloride concentrations during the November 10, 2011, (416 mg/l) and June 21, 2012 (327 mg/l) assessment sampling events; and monitoring well MW-3 should currently be in assessment after having two consecutive statistically significant increases of chloride. It was also noted by Ohio EPA that MW-1 should be in assessment after having two consecutive statistically significant increases for temperature.

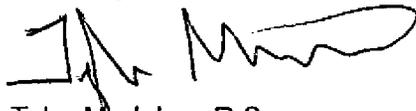
Hull & Associates Inc. argued that MW-1, MW-3, and MW-14 are currently upgradient of the limits of waste placement. Ohio EPA maintained that due to unique hydrogeologic conditions beneath the facility (extensive mining operations and connection to Sandusky Bay), the historical ground water flow direction beneath the facility has varied, and MW-1, MW-3, and MW-14 have been downgradient of the limits of waste placement at some points in time. At the conclusion of the meeting no resolution occurred regarding designating upgradient/background well locations.

4. Ohio EPA does not agree with the owner/operator's description of ground water flow within the uppermost aquifer system beneath the facility.

Assessment wells P-1, P-2, and P-3 are not installed in the uppermost aquifer system and should not be included when constructing the potentiometric map for the uppermost aquifer system.

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: William Petruzzi, Hull & Associates, Inc.
File: DMWM-SW, Ottawa County, US Gypsum, Groundwater

ec: Habib Kaake, DMWM-NWDO
Mike Reiser, DMWM-NWDO
Chad Zajkowski, DDAGW-NWDO
Ken Brock, DDAGW-NWDO
id: 5-11828