



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

Re: Residual Waste Landfill
Groundwater
Notice of Violation

April 22, 2013

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 U.S. Gypsum Company's (owner/operator) response to Ohio EPA's letter dated May 23, 2012, regarding the annual ground water detection sampling and assessment sampling results for the owner/operator's 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 "Response to Ohio EPA Comment Letter Dated May 23, 2012 Regarding the Groundwater Monitoring Program at the U.S. Gypsum Residual Waste Landfill" was received by the Ohio EPA Northwest District office on November 16, 2012.

Background

On September 28, 2012, Ohio EPA met with the owner/operator and their consultants (Hull & Associates, Inc.) to discuss Draft revisions to the facility's ground water quality assessment plan. During this meeting the owner/operator proposed moving forward with an approach to address the assessment areas by entering into a compliance monitoring program or a corrective measures program. On November 1, 2012, Ohio EPA met with Hull & Associates, Inc. (Hull) during a technical meeting to discuss additional geologic information compiled since the September 28, 2012, meeting. On February 19, 2013, Ohio EPA meet with the owner/operator and Hull 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 and address the outstanding violations.

COMMENTS

Evaluation of Owner/Operator's Response to Previously Cited Violations

- 1. In a letter dated October 12, 2010 Ohio EPA initially cited the owner/operator in violation of Ohio Administrative Code (OAC) Rule 3745-30-08(E)(2) as the first determination of rate, extent and concentration of waste-derived constituents had not been submitted to Ohio EPA in the time frame specified in the submitted ground water quality assessment plan (GWQAP). This violation of OAC Rule 3745-30-08(E)(2) has been recited in previous Ohio EPA letters, most recently in the letter dated May 23, 2012. 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.**
- 2. In Ohio EPA's letter dated May 23, 2012 the owner/operator was cited in violation of OAC Rule 3745-30-08(E)(4) for failure to sample assessment wells for all constituents determined to have been released from the facility. Specifically, the owner/operator failed to sample for the constituents sulfide and 1,1-dichloroethane at assessment wells MW-7 and MW-8R. Based on the owner/operator's January 22, 2013, Report of Groundwater Quality for the November 7-10, 2012 sampling event the owner/operator has adequately addressed the May 23, 2013 violation and has returned to compliance regarding this issue.**

On January 22, 2013, Ohio EPA received the owner/operator's Report of Groundwater Quality for the November 7-10, 2012 sampling event. During the November 2012 sampling event the owner/operator sampled assessment wells MW-7 and MW-8R for all indicator parameters and all constituents confirmed having concentrations above background levels as documented in the Ground Water Quality Assessment Plan dated April 2007.

- 3. The May 23, 2012, letter from Ohio EPA cited the owner/operator in violation of OAC Rule 3745-30-08(D)(10) as the owner/operator did not sample MW-1 and MW-3 for those parameters listed in Appendix II of OAC Rule 3745-30-08 after determining two consecutive statistical significant increases at each well location. While this violation of OAC Rule 3745-30-08(D)(10) remains outstanding, Ohio EPA understands that the owner/operator is in discussions with Ohio EPA regarding this violation.**

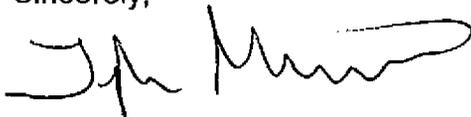
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It is believed that this violation will be addressed once discussions with the owner/operator regarding moving the assessment program forward into a compliance monitoring program or a corrective measures program are complete.

On February 19, 2013 Ohio EPA met with the owner/operator to discuss ground water flow at the facility and the designation of upgradient/reference well locations. The owner/operator stated they believe that MW-1 and MW-3 are upgradient monitoring wells and that any statistical exceedances identified for ground water in the vicinity of these monitoring wells are not attributed to the landfill. Ohio EPA maintained that due to the unique hydrogeologic conditions beneath the facility (extensive mining and connection to Sandusky Bay), the historical ground water flow direction beneath the facility has varied, and MW-1 and MW-3 have been downgradient of the limits of waste placement at some points in time. At the conclusion of the meeting it was apparent that continued discussions with the owner/operator will be needed in order to move the facility forward.

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
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