



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

May 29, 2013

**RE: EDGEWATER PLANT CLASS III
RESIDUAL WASTE LANDFILL
LORAIN COUNTY
NOTICE OF VIOLATION**

Paul E. Kish, Sr.
Environmental Specialist
First Energy
76 South Main St.
Akron, Ohio 44308

Dear Mr. Kish:

The Ohio Environmental Protection Agency (Ohio EPA), Northeast District Office (NEDO), received a document regarding the Ohio Edison Company (or First Energy), Edgewater Plant, Class III Residual Waste Landfill (Edgewater Landfill). The report is titled: "Letter Report, Annual 2012, Groundwater Compliance Monitoring Event" (November 2012 Report) and is regarding the November 2012 sampling event. The November 2012 Report was dated January 18, 2013 and received on January 22, 2013, and was prepared and submitted by Mr. Dwight D. Williams of HzW Environmental Consultants, LLC, on behalf of First Energy.

The Edgewater Landfill closed under the 2003 OAC Rule 3745-30-08 Residual Waste Landfill Regulations, and is currently conducting post-closure compliance ground water monitoring in accordance with the October 4, 2010 Director-approved ground water compliance monitoring plan (GWCMP) and OAC Rule 3745-30-08 of the 2003 Solid Waste Regulations.

All wetland compliance sample results appear to be below their respective compliance monitoring trigger limits for the November 2012 sampling event.

One violation was noted in the November 2012 report involving statistical analysis of ground water and surface water data:

- 1) OAC Rule 3745-30-08(A)(1): which requires that the owner or operator use the statistical methods documented in the ground water monitoring plan.**

The owner or operator used an upper tolerance limit as the trigger level for arsenic, chloride, cobalt, copper, nickel and zinc in surface water instead of using the standards or formulas identified in Section 3.2 of the GWCMP as the trigger levels for the November 2012 event.

Paul E. Kish, Sr.
First Energy
May 29, 2013
Page 2

Furthermore, section 4.4.1(2) of the GWCMP requires that probability plots be used to help determine "how closely the data fit a pattern of a normal distribution," but that "only known concentrations will be plotted to determine if a known distribution is present." However, the probability plots for aluminum, cobalt, copper, nickel and zinc in ground water found in Attachment C of the November 2012 report and the probability plots for arsenic, cobalt, copper and nickel in surface water found in Attachment D of the November 2012 report all depict a Robust ROS-estimated concentration in place of non-detect values in the probability plots used to determine a distribution (e.g. "LnROS" plots or "NROS" plots). Robust ROS-estimated concentrations are not "known concentrations" and thus violate the terms of the GWCMP.

The inconsistency between this practice and the GWCMP was pointed out in a November 21, 2012 letter from Ohio EPA to the owner or operator which stated:

"Many of these plots (i.e. data sets containing non-detect results) do not reflect the procedures described in Sections 4.4.1 and 4.4.2 of the July and August 2012 revisions to the GWCMP that require that 'all data will be utilized to develop the plots, however only known concentrations will be plotted to determine if a known distribution is present.'"

And

"Ohio EPA acknowledges that these procedures in Sections 4.4.1 and 4.4.2 were newly-inserted into the GWCMP concurrent with or after preparation of the May 2012 and resampling reports, and thus do not present a compliance issue for the May 2012 event. However, for future sampling events the owner or operator should utilize the procedures described in Sections 4.4.1 and 4.4.2 of the revised GWCMP, such that any copies of probability plots in the data reports only include detected measurements."

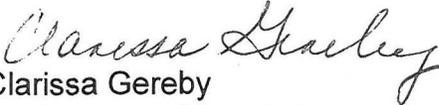
To return to compliance the owner or operator should re-do the statistical analysis and comparisons to trigger levels, including using the standards or formulas identified in Section 3.2 of the GWCMP as the trigger levels for surface water and following the procedures in section 4.4.1(2) of the GWCMP for aluminum, cobalt, copper, nickel and zinc in ground water, and submit the results to Ohio EPA.

Please contact Steve Churchill at (614) 728-1225 if you have any questions regarding this review. Otherwise, submit all correspondence to Clarissa Gereby, Division of Materials and Waste Management, Northeast District Office, Ohio EPA, 2110 East Aurora Road, Twinsburg, Ohio 44087.

Paul E. Kish, Sr.
First Energy
May 29, 2013
Page 3

Nothing in this letter shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations except as specified herein. This letter shall not be interpreted to release the owner or operator from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

Sincerely,


Clarissa Gereby
Environmental Specialist
Division of Materials and Waste Management

CG/cl

cc: John Sabo, Lorain County General Health District
Steve Churchill, DDAGW, CO
Dwight Williams, KU Resources
File: [Singh/LAND/Ohio Edison/GRO/47]
DMWM #4839