



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

10/26/09

Defiance County Commissioners
500 Court Street
Defiance, OH 43512

**Re: Defiance County Landfill, Defiance County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b) Approval**

Dear Commissioners:

On August 27, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO), received a document titled "Response to Ohio EPA Comments Dated August 10, 2009", dated August 25, 2009, for the Defiance County Landfill (Facility). This document was submitted by Eagon & Associates, Inc. on behalf of the owner/operator and included a request to continue detection monitoring at specific wells at the Facility despite statistically significant increases in the data collected for those wells during the March 3, 2009 ground water sampling event at the Facility. Since the time limits in accordance with OAC Rule 3745-27-10(D)(7)(c)(ii) were exceeded, Ohio EPA has reviewed this request pursuant to OAC Rule 3745-27-10(E)(9)(b).

Pursuant to OAC Rule 3745-27-10(E)(9)(b), the owner or operator may demonstrate that a source other than the sanitary landfill facility caused the contamination, or that the statistically significant change resulted from error in sampling, analysis, or statistical evaluation or from natural variation in ground water quality and request that the director approve reinstatement of the detection monitoring program.

The August 25, 2009 document concluded that the statistically significant changes for sodium and potassium at monitoring wells MW-2A and MW-8 were due to an error in analysis and not as a result of impact from the landfill.

Ohio EPA has reviewed the applicable information and concurs that the statistically significant changes were not a result of the landfill. Ohio EPA concluded from the information included in the August 25, 2009 document that the statistically significant changes were the result of impacts caused by an error in laboratory analysis and not by the sanitary landfill. Therefore, pursuant to OAC Rule 3745-27-10(E)(9)(b), I hereby approve reinstatement of the ground water detection monitoring program for the monitoring wells in the ground water quality assessment program, noted above, and release the owner or operator from the obligation to comply with this assessment monitoring program

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

at the Facility. This approval of reinstatement of the detection monitoring program applies to monitoring wells MW-2A and MW-8.

Should future or existing ground water sampling results indicate statistically significant changes in ground water monitoring parameters, the owner or operator will be required to either enter into the ground water quality assessment monitoring program in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program pursuant to OAC Rule 3745-27-10(D)(7)(c).

A detailed account of Ohio EPA's review of the ground water demonstration will be sent to you under separate cover.

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Brent M. Goetz of Ohio EPA, NWDO at 419-373-4114.

Sincerely,

Shannon Nabors, Chief
Northwest District Office
for Chris Korleski, Director

pc: Tim Houck, Defiance County Landfill

Beth Brown, Eagon & Associates, Inc.
Ken Brock, DDAGW, NWDO
Jack Leow, DDAGW, NWDO, 5-8805
Mike Reiser, DSIWM, NWDO
Brent Goetz, DSIWM, NWDO