



State of Ohio Environmental Protection Agency

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FEB 22 2010 P.O. Box 1049
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ENTERED DIRECTOR'S JOURNAL

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

Defiance County Commissioners
500 Court Street
Defiance, OH 43512

By: [Signature] Date: 2-22-10

**Re: Defiance County Landfill, Defiance County
Ohio Administrative Code (OAC) Rule 3745-27-10(C)(7)(g) Approval and
Response to Request**

Dear Commissioners:

On October 30, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a document titled "*Statistical Plan for Ground-Water Monitoring*", dated October 28, 2009, for the Defiance County Landfill (Facility). This document was submitted by Eagon & Associates, Inc. on behalf of the owner/operator. The submittal contained a request to add previously-determined statistically significant increases to the background database pursuant to OAC Rule 3745-27-10(C)(7)(g). The data associated with the request includes: sodium and potassium at wells MW-2A and MW-8.

Pursuant to OAC Rule 3745-27-10(C)(7)(g), background data can only be added in blocks of data resulting from the analysis of four or more statistically independent samples after the data have been statistically compared to current background data and no statistical differences are detected, unless another method is deemed acceptable by the director.

Ohio EPA has reviewed the information provided and concurs that this data, with the exception of the potassium concentration at MW-8 detected in the sample collected on September 9, 2008, can be added to the background data group. Therefore, pursuant to OAC Rule 3745-27-10(C)(7)(g), the owner or operator is hereby authorized to update the background database for potassium and sodium at wells MW-2A and MW-8 (with the exception of potassium at MW-8 detected in the sample collected on September 9, 2008).

With respect to the potassium concentration at MW-8 detected in the sample obtained on September 9, 2008, Ohio EPA has determined that the owner/operator has not adequately demonstrated that the statistically significant concentration is representative of natural variability in groundwater quality that has not been affected by past or present operations at the Facility. Therefore, I do not deem acceptable the request, pursuant to OAC Rule 3745-27-10(C)(7)(g), to update the background database with the potassium concentration at MW-8 detected in the sample obtained on September 9, 2008 as detailed in the October 28, 2009 document.

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

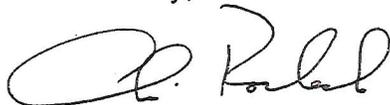


You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. 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, made payable to "Ohio Treasurer Kevin Boyce," 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, OH 43215

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

Sincerely,



Chris Korleski
Director

pc: Tim Houck, Defiance County Landfill
Beth Brown, Eagon & Associates, Inc.
Ken Brock, DDAGW, NWDO
Jack Leow, DDAGW, NWDO, 5-8981
Mike Reiser, DSIWM, NWDO
Brent Goetz, DSIWM, NWDO