



**Environmental  
Protection Agency**

Ted Strickland, Governor  
Lee Fisher, Lt. Governor  
Chris Korleski, Director

2011 JAN -7 P 2:45

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.

JAN 07 2011

Hardin County Commissioners  
One Courthouse Square; Suite 100  
Kenton, Ohio 43326

 Date: 1/7/2011

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

Dear Commissioners:

On November 9, 2010, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a document titled "OAC Rule 3745-27-10(D)(7)(c) Alternate Source Demonstration (ASD) for Potassium at Monitoring Well BW-5 and Acetone at Monitoring Wells BW-3R and BW-4; Hardin County Landfill, Kenton, Ohio," dated November 8, 2010, for the Hardin County Closed Landfill (Facility). This document was submitted by Mannik & Smith Group, on behalf of the Hardin County Commissioners, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), for continuation of detection monitoring at the Hardin County Closed Landfill. The submittal contains the ground water sampling results and the statistical analysis from the June 9, 2010, ground water sampling event and the July 16, 2010, resampling event at the Facility. However, 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 of Environmental Protection (Director) approve reinstatement of the detection monitoring program.

The November 8, 2010, document concluded that the statistically significant increase for potassium in well BW-5 was the result of an error in the statistical method process (specifically being an error in the use of the number of significant figures), and not as a result of impact from the landfill. The document also concluded that the statistically significant increases for acetone at wells BW-3R and BW-4 were due to a sampling and/or

laboratory error, and not as a result of impact from the landfill. Ohio EPA has reviewed the applicable information and concurs with this conclusion. 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 monitoring program, noted above, and release the owner or operator from the obligation to comply with this assessment monitoring program at the Facility. This approval of reinstatement of the detection monitoring program applies to monitoring wells BW-5, BW-3R, and BW-4.

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).

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code Section 3745.04. 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 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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

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

If you have any questions concerning this letter, please contact Jeremy Scoles of Ohio EPA, NWDO at 419-373-3079.

Sincerely,

A handwritten signature in cursive script that reads "Shannon Nabors".

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

JS/cs

pc: Jeremy Scoles, DSIWM, NWDO  
Scott Hester, DSIWM, CO  
Thomas Covrett, Mannik & Smith Group  
Randy Skrzyniecki, DDAGW, NWDO, 5-9869  
Jack Leow, DDAGW, NWDO