



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

OHIO E.P.A.

JAN -7 2014

ENTERED DIRECTOR'S JOURNAL

RE: Henry County Commissioners  
Director's Authorization  
Approval  
Municipal Solid Waste Landfills  
Henry County  
MSWL018745

JAN 07 2014

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.

Henry County Board of Commissioners  
Henry County Landfill  
1853 Oakwood Avenue  
Napoleon, Ohio 43545

By: Jim Cassler Date: 1-7-14

**Subject: Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval**

Dear Commissioners:

On November 18, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO) received a document titled "OAC Rule 3745-27-10(D)(7)(c)(ii) Alternate Source Demonstration for Ammonia in Well BMW-13R; Henry County Landfill" dated November 15, 2013, for the Henry County Landfill (Facility) located in Henry County. This document was submitted by The Mannick and Smith Group, Inc., on behalf of the Henry County Board of Commissioners, and contains the ground water sampling results and the statistical analysis from the August 7-8 and September 18, 2013, ground water sampling events at the Facility.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant change was detected: ammonia concentrations in monitoring well BMW-13R.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), 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 natural variation in ground water quality. A report documenting this demonstration must be submitted to and approved by Ohio EPA. If the owner or operator does not obtain approval to continue detection monitoring not later than two hundred ten (210) days from initial sampling, the owner or operator is required to comply with the provisions of OAC Rule 3745-27-10(E) for ground water quality assessment monitoring.

The November 15, 2013, document concluded that the statistically significant change for ammonia at monitoring well BMW-13R was due to apparent errors in statistical analyses and natural variability in the ammonia concentrations at this well, and not as a result of impact from the landfill. Monitoring well BMW-13R was initially sampled on June 26, 2013.

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the November 15, 2013, document. Therefore, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator is hereby authorized to continue the detection monitoring program at the Facility for monitoring wells BMW-13R.

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 assessment monitoring in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program.

You are hereby notified that this action of the Director of Environmental Protection (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 \$70.00 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  
77 South High Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215

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

If you have any questions concerning this action, please contact Curtis DeLong at the Ohio EPA Northwest District Office at (419) 373-3033.

Sincerely,



Shannon Nabors, District Chief  
Northwest District Office  
for Scott J. Nally, Director

SN/cg

pc: Curtis DeLong, DMWM-NWDO  
Jeremy Scoles, DMWM-NWDO  
Scott Hester, DMWM-CO  
Eric Van Heyde, The Mannick and Smith Group, Inc.  
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