



State of Ohio Environmental Protection Agency

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October 3, 2007

Mr. Rick Kostelnick
County Environmental of Wyandot
11164 County Road 4
Carey, OH 43361-9750

**Re: County Environmental of Wyandot Landfill, Wyandot County
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b)
Refuse to Grant Reinstatement**

Dear Mr. Kostelnick:

On March 28, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a document titled "(D)(7)(c)(ii) Demonstration for BW-1, BW-4, RW-10, RW-11 and SW-9" dated March 27, 2007, for the County Environmental of Wyandot Landfill (Facility) located in Wyandot County. This document was submitted by Eagon & Associates, Inc. on behalf of the owner/operator, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), for continuation of detection monitoring at County Environmental of Wyandot Landfill. 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 approve reinstatement of the detection monitoring program.

The March 28, 2007, document concluded that the statistically significant change for chloride at monitoring well SW-9 was due to natural variation during the December 4, 2006 sampling event, and not as a result of impact from the landfill. Monitoring wells BW-1, BW-4, RW-10, and RW-11 were also included in this document and have been authorized to continue the detection monitoring program by a July, 10, 2007, letter.

Ohio EPA has reviewed the applicable information and has determined that the owner or operator has not demonstrated that the statistically significant increase in chloride is not a result of impact from the Facility.

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

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Therefore, at this time, I refuse to grant approval to reinstate ground water monitoring well SW-9 back into the ground water detection monitoring program at the Facility. The owner or operator shall comply with the ground water quality assessment program pursuant to OAC Rule 3745-27-10(E).

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 Mike Reiser of Ohio EPA, NWDO at (419) 373-3126.

Sincerely,

Chris Korleski, Director

pc: Scott Hester, DSIWM, CO
Ken Brock, DDAGW, NWDO, #5-6823
Jack Leow, DDAGW, NWDO
Mike Reiser, DSIWM, NWDO
Jeff Richey, Wyandot County Health Department
Thomas Jenkins, Eagon & Associates