



State of Ohio Environmental Protection Agency

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April 28, 2009

Defiance County Commissioners
500 Court Street
Defiance, Ohio 43512

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

Dear Commissioners:

On February 25, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a document titled "*Supplemental November 2008 Sampling Data*," dated February 20, 2009, for the Defiance County Landfill (Facility), located in Defiance County. The document was revised on March 25, 2009 and the revision received by Ohio EPA on March 26, 2009. The documents were submitted by Eagon & Associates, Inc. on behalf of the Defiance County Commissioners and included requests pursuant to Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) to continue ground water detection monitoring for specific wells at the Facility despite statistically significant changes for sodium and potassium in monitoring wells MW-2A and MW-8 during the September 2008 ground water sampling event at the Facility. The submittal also documents demonstrations for wells in the compliance monitoring program. Ohio EPA's response to the demonstrations for the compliance monitoring wells will be provided in a separate correspondence. Please note that the demonstrations for monitoring wells MW-2A and MW-8 were evaluated in accordance with OAC Rule 3745-27-10(E)(9)(b) as the 210 day period for demonstrations pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii) has elapsed.

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 February 20 and March 25, 2009 documents concluded that the statistically significant changes for sodium and potassium in monitoring wells MW-2A and MW-8

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

were due to an error in laboratory analysis, 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 noted above, and release the owner or operator from the obligation to comply with the assessment monitoring requirements for these wells 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).

This approval shall not be construed to release the owner or operator from the obligation to comply with the requirements of any other ground water quality assessment monitoring program being conducted at the Facility.

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 Kimberly Burnham of Ohio EPA, NWDO at (419) 373-3049.

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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
Scott Hester, DSIWM, CO
Kimberly Burnham, DSIWM, NWDO