



State of Ohio Environmental Protection Agency

OHIO E.P.A.

Northwest District Office

APR 20 2010

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ENTERED DIRECTOR'S OFFICE
Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

APR 20 2010

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.

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

By: [Signature] Date: 4-20-10

**Re: Hardin County Closed Landfill, Hardin County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval**

Dear Commissioners:

On March 26, 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; Hardin County Landfill, Kenton, Ohio," dated March 24, 2010, for the Hardin County Closed Landfill (Facility). This document was submitted by Mannik & Smith Group, on behalf of the Hardin County Commissioners, and contains the ground water sampling results and the statistical analysis from the November 19, 2009, ground water sampling event at the Facility.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant change was detected: potassium in monitoring well BW-5.

Verification sampling was performed on January 11, 2010. The re-sampling data verified the statistically significant change for potassium at BW-5.

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 within 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 March 24, 2010, document concluded that the statistically significant change for potassium at monitoring 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. Monitoring well BW-5 was initially sampled on November 19, 2009.

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the March 24, 2010, 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 well BW-5 .

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 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

A detailed account of Ohio EPA's review of the groundwater demonstration 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,



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

/lr

pc: Jeremy Scoles, DSIWM, NWDO
Scott Hester, DSIWM, CO
Mike Momenee, Mannik & Smith Group
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