



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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Hancock County Board of Commissioners
300 South Main Street
Findlay, Ohio 45840

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

Dear Commissioners:

On October 28, 2005, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO), received a document titled "*Hancock County Sanitary Landfill - Demonstration of False Indication of Contamination of Potassium in SW-4, SW-5, and SW-13*" (Document), dated October 27, 2005, for the Hancock County Landfill (Facility), located in Hancock County. The Document was submitted by Malcolm Pirnie, Inc., on behalf of the Hancock County Commissioners, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii). The Document contains the ground water sampling results and statistical analysis from the May 10 and 11, 2005, ground water sampling event and the July 16, 2005 re-sampling event. The Document also contains a request for approval to continue detection monitoring 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 approve reinstatement of the detection monitoring program.

Ohio EPA has reviewed the Document and has determined that the owner or operator has not demonstrated that the statistically significant increases in potassium were not a result of impact from the Facility. Therefore, at this time, I refuse to grant approval to reinstate ground water monitoring wells SW-4, SW-5, and SW-13 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.

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Laura H. Powell, Acting Director

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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 Jeremy Scoles of Ohio EPA, NWDO at (419) 373-3079.

Sincerely,

Laura H. Powell
Acting Director

pc: Scott Hester, DSIWM, CO
Randy Skrzyniecki, DDAGW, NWDO
Jack Leow, DDAGW, NWDO
Jeremy Scoles, DSIWM, NWDO
Wesley Rhiel, Malcolm Pirnie, Inc.
John Shoop, Hancock County Health Department