



Environmental  
Protection Agency

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

Re: **September 28, 2010 Notice of  
Violation  
Defiance County Landfill**

January 12, 2011

Defiance County Commissioners  
500 Court Street  
Defiance, Ohio 43512

Dear Commissioners:

On September 28, 2010, the Ohio Environmental Protection Agency (Ohio EPA) sent a Notice of Violation (NOV) to the Defiance County Commissioners, citing a violation of Ohio Administrative Code (OAC) Rule 3745-27-19(E)(8)(c) for disposal of a hazardous waste at the Defiance County Landfill. As discussed in the September 28, 2010, letter, this violation was based on correspondence between Hoehn Cabinets Inc., located in Ottoville, Ohio, and Ohio EPA, Division of Hazardous Waste Management (DHWM). Specifically, during a November 10, 2009, compliance evaluation inspection performed by Ohio EPA, DHWM, it was discovered that Hoehn Cabinets was not properly managing a lacquer thinner sludge, a listed hazardous waste (F005). At the time of the inspection, representatives of Hoehn Cabinets indicated that the lacquer sludge was being placed into a neighboring business's dumpster. Ohio EPA determined that this dumpster was picked up by Porter Sanitation who indicated that materials within dumpsters originating from that location were disposed of at Defiance County Landfill. Based on this information Ohio EPA issued the September 28, 2010, NOV for acceptance and disposal of a hazardous waste at the Defiance County Landfill.

On December 29, 2010, Ohio EPA received a letter, dated December 28, 2010, from Mr. Richard T. Sargeant, Eastman & Smith LTD. The letter was submitted on behalf of the Defiance County Commissioners and served as a response to Ohio EPA's September 28, 2010, NOV. The December 28, 2010, letter indicated that through correspondence between a representative of Defiance County and Hoehn Cabinets, Hoehn Cabinets denied any knowledge of hazardous waste transported by Porter Sanitation or disposed of at the Defiance County Landfill. Therefore, the December 28, 2010, letter requested that the September 28, 2010, NOV be withdrawn.

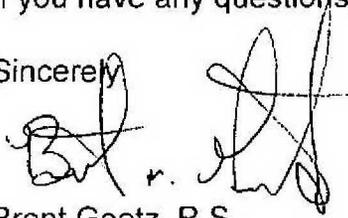
On January 4, 2011, Ohio EPA contacted Mr. Ed Hoehn, owner of Hoehn Cabinets, to discuss conflicting information being conveyed to representatives of Ohio EPA and Defiance County. During this conversation, Mr. Hoehn indicated that the lacquer sludge was not placed into a dumpster, but was instead taken to his brother's property and burned.

Defiance County Commissioners  
January 12, 2011  
Page 2

Given this new information, the September 28, 2010, NOV to the Defiance County Commissioners was incorrectly issued, and is hereby rescinded. This letter will be placed into Ohio EPA's files with the September 28, 2010, NOV, to serve as record that the NOV is no longer valid.

If you have any questions, please contact me at (419) 373-4114.

Sincerely,

A handwritten signature in black ink, appearing to be "Brent Goetz", written over a horizontal line.

Brent Goetz, R.S.  
Environmental Specialist  
Division of Solid and Infectious Waste Management

/llr

pc: Tim Houck, Defiance County Landfill  
Richard T. Sargeant, Eastman & Smith LTD  
James Moseley, Mannik & Smith Group, Inc.  
<DSIWM-NWDO File: Defiance County, Defiance Co. Landfill, Correspondence >

ec: Mike Reiser, DSIWM, NWDO  
Colleen Weaver, DHWM, NWDO  
Wendy Miller, DHWM, NWDO