



**Environmental
Protection Agency**

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

February 27, 2012

Defiance County Board of Commissioners
500 Court Street
Defiance, Ohio 43512

**Re: Defiance County Landfill Ten Year Design Demonstration
Notice of Violation**

Dear Commissioners:

Defiance County Landfill's original permit to install was issued by Ohio Environmental Protection Agency (Ohio EPA) on November 18, 1988. Ohio Administrative Code (OAC) Rule 3745-27-19(N) states, in part, "Upon every tenth anniversary of the initial permit to install issued to the owner or operator of the sanitary landfill facility pursuant to Chapter 3734. of the Revised Code and each tenth anniversary thereafter, the owner or operator shall submit to Ohio EPA an analysis demonstrating that the design of the unconstructed portions of the sanitary landfill facility continues to be consistent with the design standards established in the current version of rule 3745-27-08 of the Administrative Code."

In order to maintain compliance with OAC Rule 3745-27-19(N), the facility's Ten Year Design Demonstration submittal was due to Ohio EPA no later than November 18, 2008. A review of Ohio EPA's files indicates that as of the date of this letter, Ohio EPA has not received Defiance County Landfill's Ten Year Design Demonstration. Therefore, the failure of the facility's owner/operator to submit this demonstration is a **violation** of OAC Rule 3745-27-19(N).

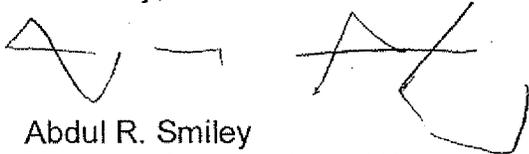
Please be reminded that Ohio EPA expects the owner/operator of Defiance County Landfill to upgrade the current approved PTI design standards to ensure that all current BAT features in OAC Rule 3745-27-08 are incorporated into the landfill design. At a minimum, this will require Defiance County to incorporate a flexible membrane liner into the cap design for all currently uncapped areas of the facility.

The owner/operator of Defiance County Landfill needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of the receipt of this letter, the owner/operator of Defiance County Landfill is requested to provide documentation to this office including the steps that will be taken to abate the violation cited above. Documentation of steps that will be taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to abdul.smiley@epa.state.oh.us.

Defiance County Board of Commissioners
February 27, 2012
Page 2

If you have any questions regarding this letter, please contact me by telephone at (419) 373-3068 or by e-mail.

Sincerely,



Abdul R. Smiley
Division of Materials and Waste Management

//lr

pc: Tim Houck, Defiance Co LF
Jim Hamilton, MSG
File: DMWM-SW, Defiance County, Defiance County Landfill, Engineering

ec: Abdul Smiley, DMWM NWDO
Brent Goetz, DMWM, NWDO
Habib Kaake, DMWM, NWDO
Mike Reiser, DMWM, NWDO

Please be advised that the violation cited above will continue until the violation has been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, the owner/operator the Defiance County Landfill is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.