



State of Ohio Environm



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September 3, 2008

CERTIFIED MAIL

9171082133393109727088

Mr. Duane Hord
President, Hord Livestock Company
P.O. Box 445
Bucyrus, OH 44820

Re: ~~Hord Livestock~~ – UIC Class V Industrial Waste Injection Well – **Final Notice**

Dear Mr. Hord:

Hord Livestock Company (Hord) continues to operate its trailer wash facility located at 1877 Lincoln Highway in Crawford County in violation of Rule 3745-34-13(A) of the Ohio Administrative Code (OAC). Hord is injecting industrial and other wastes into a Class V injection well without a valid permit to operate obtained per OAC Rule 3745-34-16. To return to compliance, Hord must cease the discharge of industrial and other wastes into the Class V injection well until a permit to operate has been approved for this discharge. A September 2, 2008 letter submitted by Mark Wilson (Land Stewards LLC) on behalf of Hord does not provide any information supporting the argument that the Underground Injection Control (UIC) Rules contained within OAC Chapter 3745-34 do not apply to the operations at Hord's trailer wash facility. To review these requirements please go to the Ohio EPA UIC rules web page at <http://www.epa.state.oh.us/ddagw/oacgw.html>.

The September 2, 2008 correspondence does request further information from Ohio EPA concerning the interpretation of the UIC rules and how they apply to the Hord facility. As previously stated in the July 31, 2008 correspondence to your consultant, the subsurface distribution system included in the waste water treatment system used by Hord meets the definition of an "injection well" as defined by OAC Rule 3745-34-01(NN). The fact that it is classified as a Class V injection well under OAC Rule 3745-34-04(E) is that the injection well at the Hord facility does not meet the definitions for a Class I, II, III, or IV well.

The waste water from the Hord facility is considered an "industrial waste" or "other

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waste" as defined within OAC Rule 3745-34-01(LL) and (UU). The waste water Hord injects is an "industrial waste" as it is a liquid, gaseous or solid substance resulting from a process of industry, manufacture, trade, or business, together with such sewage as is present. It also qualifies as an "other waste" as it contains saw dust, offal, and night soil. It does not qualify as "sanitary waste" as defined by OAC Rule 3745-34-01(GGG) as the waste water does not originate solely from humans or human activities since it contains waste from swine.

The Hord facility injects fluid into or above an "underground source of drinking water" (USDW) as defined by OAC Rule 3745-34-01(UUU). A USDW is an aquifer or its portion which contains sufficient quantity of ground water to supply a public water supply and contains less than 10,000 parts per million total dissolved solids (TDS). US EPA has recommended in guidance that the minimum amount of water necessary to supply a public water supply is approximately 0.8 gallons per minute (gpm) to a properly constructed well. Based on examination of well logs filed with the Ohio Department of Natural Resources by property owners adjacent to the Hord Facility, sand zones within the glacial till and the ground water zone at the bedrock-till interface produce ground water to wells in excess of 8 gpm and have less than 10,000 TDS. As such a USDW exists beneath the Hord Livestock facility into or above which that facility injects industrial wastes via a Class V injection well.

To return to compliance, Hord must cease the discharge of industrial waste into the Class V injection well until a permit to operate has been approved for this discharge. As part of obtaining UIC permit to operate, Hord must:

- Submit a complete application for a permit to operate (see attached); and
- Demonstrate that its injected waste stream meets the standards contained within OAC Rule 3745-34-07(A) and does not exceed maximum contaminant levels for any primary drinking water standards. This sampling would need to be conducted at the nearest point of injection (preferably a distribution box prior to the leach field) and conform to drinking water sampling and analyses methods.

If a permit to operate is issued, general conditions would include periodic reporting and periodic sampling of select parameters to demonstrate that the injected waste stream continues to meet the standards contained within OAC Rule 3745-34-07.

Ohio EPA looks forward to your prompt action and full cooperation with re-establishing compliance at your trailer washing facility. This letter serves as the Final Notice to either apply for a UIC permit to operate or to submit a plan for alternative disposal means that will establish full compliance. Should Hord Livestock again fail to address

these requirements within 30 days, Ohio EPA will be forced to take appropriate action.

Should you have any questions regarding the UIC permitting process please don't hesitate to contact me or Jess Stottsberry of my staff at (614) 644-2752.

Sincerely,



Lindsay C. Taliaferro III, UIC Manager
Division of Drinking and Ground Waters

cc: Michael G. Baker, Chief, DDAGW
Shannon Nabors, Chief, NWDO
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Elizabeth Messer, Compliance Assurance Mgr.
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