



John R. Kasich, Governor

Mary Taylor, Lt. Governor

Craig W. Butler, Director

JAN 12 2015

ENTERED DIRECTOR'S JOURNAL

JAN 12 2015

Mr. Robert Downing
Montgomery County
Environmental Services
2550 Sandridge Drive
Dayton, Ohio 45439

Re: Montgomery County North Facility
Non-Permit Related Variance
Approval
Municipal Solid Waste Transfer Facility
Montgomery County
SWTF018409

**Subject: Montgomery County North Facility, Montgomery County
Ohio Administrative Code (OAC) Rule 3745-27-03(C) Variance Request**

Dear Mr. Downing:

On November 19, 2014, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a request dated November 17, 2014 for Montgomery County North Transfer Facility (Facility) located at 6589 North Webster Street, Dayton, Ohio in Montgomery County. Montgomery County Environmental Services (MCES) submitted the request pursuant to OAC Rule 3745-27-03(C), seeking a variance from the closure requirements of OAC Rule 3745-27-24(C)(1)(b).

OAC Rule 3745-27-24(C)(1)(b) requires an owner or operator, not later than thirty days after a transfer facility has ceased to accept solid waste for transfer, to thoroughly clean all waste handling facilities, equipment, and areas on the premises, including washing all areas of the facility and any appurtenances that were in contact with solid wastes in order to substantially reduce or eliminate any remaining constituents or contaminants derived from contact with solid wastes.

Pursuant to Ohio Revised Code (ORC) Section 3734.02(A) and OAC Rule 3745-27-03(C), the Director may grant a variance if he determines that construction, operation, closure activities and/or post-closure activities, in the manner approved by the variance and any terms or conditions imposed as part of the variance, will not create a nuisance or hazard to public health or safety or the environment and is unlikely to result in a violation of any of the requirements of ORC Chapters 3704, 3714, 3734, and 6111 and the rules adopted thereunder.

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The Facility is not an enclosed structure and ceased acceptance of solid waste on December 27, 2014. MCES has requested that the 30-day requirement to wash the Facility be extended to 120 days due the potential for inclement weather.

Upon review of the variance request, I have determined that granting the variance will not create a nuisance or hazard to public health or safety or the environment and is unlikely to result in a violation of any other requirements of ORC Chapters 3704, 3714, 3734, or 6111 and rules adopted thereunder.


Therefore, MCES is hereby granted a variance, pursuant to ORC Section 3734.02(A) and OAC Rule 3745-27-03(C), from the requirement of OAC Rule 3745-27-24(C)(1)(b) that the Facility be cleaned within 30 days of closure. In lieu of this requirement, MCES shall complete cleaning of the Facility not later than April 26, 2015. This variance shall expire on April 26, 2015.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. 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 "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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
77 South High Street, 17th Floor
Columbus, Ohio 43215

If you have any questions concerning this action, please contact Jill Olberding, DMWM, SWDO at (937) 285-6094.

Sincerely,



Craig W. Butler
Director

cc: Michelle Ackenhausen, DMWM, SWDO
Paul Stuart, Public Health – Dayton & Montgomery County