



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

OHIO E.P.A.

SEP 26 2016

ENTERED DIRECTOR'S JOURNAL

SEPTEMBER 26, 2016

Mr. Scott Tadych
City of Middletown
Director
Public Works & Utilities
1 Donham Plaza
Middletown, Ohio 45042

Re: Middletown Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfills
Butler County
MSWL019363

**Subject: Middletown Landfill, Butler County
OAC 3745-27-10(D)(6) Authorization**

Dear Mr. Tadych,

On February 10, 2016, Ohio EPA, Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a request (Request) from the City of Middletown (City) to discontinue Appendix I VOC ground water sampling at the Middletown Sanitary Landfill. The City of Middletown Landfill is a closed municipal solid waste landfill that began operation in 1963 and ceased waste acceptance in 1990. The request was made in accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D)(2), which allows an owner or operator to propose deletion of Appendix I monitoring parameters used to meet the ground water monitoring parameter, frequency, and location requirements of the solid waste landfill rules. The Director may approve the alternate list of Appendix I parameters if the removed parameters are not reasonably expected to be in or derived from the waste contained or deposited in the landfill. In the Request, the City proposed to discontinue the sampling and analysis of Appendix I VOCs due to a lack of historic detections in past ground water samples.

Upon receipt of the Request, DMWM requested that the Division of Drinking and Ground Waters (DDAGW) review the document proposing deletion of the Appendix I parameters. Due to the age of the waste deposited at the Facility, Ohio EPA cannot determine that the parameters requested to be removed are not reasonably expected to be in or derived from the waste contained or deposited in the landfill. Additionally, detection of a small number of VOCs at low concentrations was observed in several monitoring wells early in the ground monitoring program at the Facility. For these reasons, I am unable to approve the alternate ground water monitoring parameter list that includes the deletion of VOCs.

However, OAC Rule 3745-27-10(D)(6) allows approval of a proposed alternative ground water monitoring sampling and/or statistical analysis frequency provided the alternative sampling and/or statistical analysis frequency is not less than annual. Upon approval, the owner or operator may use the alternative sampling and/or statistical analysis frequency.

Because the Facility is located approximately 5,000 feet upgradient of the City of Middletown wellfield, the estimated time of travel from the landfill to the wellfield is more than 13 years, and there has been a lack of recent VOC detections in Facility monitoring wells, I have determined that reducing the sampling and statistical analysis frequency for Appendix I VOC parameters to annually rather than semi-annually will provide adequate time to address any ground water contamination in the event VOCs are detected in Facility monitoring wells.

Therefore, pursuant to OAC Rule 3745-27-10(D)(6), the City of Middletown is authorized to reduce the sampling and statistical analysis frequency for Appendix I VOC parameters to annually. Sampling and analysis of Appendix I VOC parameters shall be conducted during the spring sampling event each year. Sampling and statistical analysis of all other parameters shall be conducted in accordance with OAC Rule 3745-27-10 and the approved sampling and analysis plan.

You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code 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 St., 17th Floor
Columbus, Ohio 43215

Middletown Landfill
OAC Rule 3745-27-10(D)(6)
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If you have any questions concerning this letter, please contact Tracy Buchanan of Ohio EPA, Southwest District Office at (937) 285-6045.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Butler", with a large, sweeping flourish extending to the right.

Craig W. Butler
Director

cc: Mark Mersman, Hull & Associates
Tana Flickinger, Ohio EPA