



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

SEPTEMBER 18, 2017

Allan Bradburn
Environmental Manager
Browning-Ferris Industries of Ohio, Inc.
5092 Aber Road
Williamsburg, Ohio 45176

Re: Duck Creek Landfill
Non-Permit Related Exemption
Approval
Municipal Solid Waste Landfills
Washington County
MSWL019977

Ohio EPA SEP 18 '17
Entered Directors Journal

**Subject: BFI Duck Creek Landfill, Washington County
Exemption from the Requirements of Ohio Administrative Code (OAC)
Rule 3745-27-10(F)(2)(e)(ii)**

Dear Mr. Bradburn:

On July 11, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO) received a request, dated July 10, 2017, titled "Exemption Request Pursuant to OAC Rule 3745-27-03 to Delete EDB and DBCP from the Corrective Measures Monitoring Program Duck Creek Landfill, Marietta, Ohio." The document was submitted in accordance with OAC Rule 3745-27-03(B) by Civil & Environmental Consultants, Inc., on behalf of Browning-Ferris Industries of Ohio, Inc. (BFI), owner of the BFI Duck Creek Landfill (Facility). The document requested an exemption from the requirements of OAC Rule 3745-27-10(F)(2)(e)(ii), in accordance with OAC Rule 3745-27-03(B).

OAC Rule 3745-27-10(F)(2)(e)(ii) requires sampling for the parameters numbered 1-66 of Appendix I of this rule which were determined not to have been released to ground water. BFI requested to delete 1,2-dibromo-3-chloropropane (DBCP) and 1,2-dibromoethane (EDB) from the corrective measures monitoring parameter list for the Facility.

Sampling results for DBCP and EDB included in the exemption request support the removal of DBCP and EDB from the corrective measures monitoring parameter list. Based on the submitted data, the Facility has never had a detection of DBCP or EDB and the parameters are not reasonably expected to be in or derived from the waste contained or deposited in the Facility.

Ohio EPA has reviewed the exemption request and has determined that granting BFI an exemption from the requirements of OAC Rule 3745-27-10(F)(2)(e)(ii) is unlikely to adversely affect public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), BFI is hereby granted an exemption

from the requirements in OAC Rule 3745-27-10(F)(2)(e)(ii) only as it relates to determining the presence of DBCP or EDB in ground water above background levels. BFI shall continue monitoring all the wells in corrective measures monitoring for parameters 1-27 and parameters 30-66 listed in Appendix I in accordance with OAC Rule 3745-27-10, unless otherwise authorized by Ohio EPA. This exemption shall remain in effect throughout the effective period of this authorization unless otherwise revoked.

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
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Erika Jackson of Ohio EPA, SEDO at (740) 380-5228.

Sincerely,



Craig W. Butler
Director, Ohio EPA

CB/EJ/mr

ec: Rich Fox, DMWM, SEDO
Scott Hester, DMWM, CO
David Ramby, Jackson County Health Department
Dave Hunt, DDAGW, SEDO