



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

OCTOBER 6, 2017

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

Re: CLD Landfill
Non-Permit Related Exemption
Approval
Municipal Solid Waste Landfills
Mahoning County
MSWLO19386

Ohio EPA OCT 6 '17
Entered Directors Journal

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

Dear Mr. Bradburn:

On June 19, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a request, dated June 16, 2017, titled "Director's Approval to Delete EDB and DBCP: From Detection, Assessment, and Corrective Measures Monitoring Program, OAC 3745-27-10(D)(2)(b) and (E)(4)(g) Demonstration Exemption Request to Delete from Corrective Measures Monitoring, County Land Development (CLD) Landfill Mahoning County, Ohio." The document was submitted in accordance with Ohio Administrative Code (OAC) Rule 3745-27-03(B) by Eagon & Associates (Eagon) on behalf of Browning-Ferris Industries of Ohio, Inc. (BFI), owner of the BFI-CLD 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.

The request for director's approval to delete EDB and DBCP from the detection monitoring program and the assessment monitoring program per OAC Rules 3745-27-10(D)(2)(b) and (E)(4)(g) will be addressed in a separate authorization.

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-CLD 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-CLD 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 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 Clarissa Gereby of Ohio EPA, NEDO at (330) 963-1224.

Sincerely,



Craig W. Butler
Director, Ohio EPA

CWB:CG:cla

ec: Lynn Sowers, Ohio EPA, NEDO, DMWM
Rich Kurlich, Ohio EPA, NEDO, DDAGW
Scott Hester, Ohio EPA, Central Office, DMWM
Dave Fetchko, Mahoning County Health Dept.