



OCTOBER 27, 2017

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

Mr. Bill Ferrigno  
City of Delaware  
440 E. William Street  
Delaware, OH 43015

Re: Delaware City Curve Road  
Landfill  
Director's Authorization  
Approval  
Municipal Solid Waste Landfills  
Delaware County  
MSWL020029

Re: Delaware City Curve Road  
Landfill  
Non-Permit Related Exemption  
Approval  
Municipal Solid Waste Landfills  
Delaware County  
MSWL020029

Ohio EPA OCT 27 '17  
Entered Directors Journal

**Subject: Curve Road Landfill, Delaware County  
Concurrence With Changes to Corrective Measures Plan  
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(4) Approval  
Exemption From The Requirements In OAC Rule 3745-27-10(F)(2)(e)(ii)**

Dear Mr. Ferrigno:

On June 26, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Central District Office (CDO) received a request, dated June 23, 2017, titled "Corrective Measure Plan – June 2017 Revision I". The document was submitted by Burgess & Niple, Inc., on behalf of the City of Delaware (City), and incorporates several changes into the approved Corrective Measures Plan (CMP) for the City of Delaware Curve Road Landfill (Facility). Changes to the CMP include details regarding abandonment of monitoring well MW-9 and subsequent replacement with monitoring well MW-9R, installation of a gravity leachate line that transports leachate directly to an existing sanitary sewer, and revisions to the corrective measure monitoring parameter list. Subsequent correspondence received on September 28, 2017 proposed to remove the parameters 1,2-Dibromo-3-chloropropane (DBCP) and 1,2-Dibromoethane (EDB) from ground water assessment monitoring and corrective measures monitoring parameter lists. Ohio EPA authorized the removal of DBCP and EDB from ground water detection monitoring parameter list, pursuant to OAC Rule 3745-27-10(D)(2) on May 19, 2017.

Pursuant to OAC Rule 3745-27-10(E)(4), the director may delete any of the monitoring parameters contained in Appendix II of OAC Rule 3745-27-10 for a sanitary landfill facility if the owner or operator can show that the deleted constituents are not reasonably

expected to be in or derived from the waste contained in the sanitary landfill.

Ohio EPA has reviewed the applicable information and approves the alternative list removing DBCP and EDB from further assessment ground water monitoring at the Facility. The City shall continue monitoring all wells in the monitoring system for the remaining parameters listed in Appendix I in accordance with OAC Rule 3745-27-10, unless otherwise authorized by Ohio EPA.

#### **EXEMPTION FROM OAC RULE 3745-27-10(F)(2)(e)(ii)**

The City has 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. The City requested to delete DBCP and 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.

Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment, from any requirements to obtain a registration certificate or license or comply with other requirements of ORC Chapter 3734.

Ohio EPA has reviewed the exemption request and has determined that granting the City 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), the City is hereby granted an exemption from the requirement 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. The City 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.

**END OF EXEMPTION**

You are hereby notified that this action of the 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  
30 East Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Phil Farnlacher of Ohio EPA, CDO at (614) 728-3890.

Sincerely,



Craig W. Butler  
Director, Ohio EPA

e: Constance Livchak, DMWM, CDO  
Scott Hester, DMWM, CO  
Doug Sams, Delaware County Health Department  
Martin Smith, DDAGW, CDO