



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

AES Ohio Generation, LLC
Attn: Mr. John Hendrix
Dayton Power & Light Company
745 U.S. Route 52
Manchester, OH 45144

Re: Carter Hollow Landfill
Non-Permit Related Exemption
Approval
Residual Solid Waste Landfills
Adams County
RSWL019994

**Subject: Carter Hollow Landfill, Adams County
Exemption**

Ohio EPA JUN 8 '18
Entered Directors Journal

Dear Mr. Hendrix:

On February 16, 2018, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO) received a request dated February 15, 2018, titled "ORC 3734.02(G) Request for Exemption". The document was submitted by Civil and Environmental Consultants, Inc. (CEC) on behalf of AES Ohio Generation, LLC, owner of Carter Hollow Landfill (Facility). The document requested an exemption from the requirements of OAC Rules 3745-30-08(C)(5), (C)(6), (C)(7), and (D)(4), in accordance with ORC Section 3734.02(G). AES Ohio Generation, LLC requested to not perform statistical evaluation of the groundwater samples until the landfill commences disposal of residual waste authorized by the solid waste permit.

OAC Rule 3745-30-08(C)(5) requires, in part, that the owner or operator, within ninety days of obtaining the final sample which completes the initial year of ground water monitoring, shall specify a statistical method to be used in evaluating ground water monitoring data.

OAC Rule 3745-30-08(C)(6) requires that the statistical method chosen in accordance with OAC Rule 3745-30-08(C)(5) shall comply with the listed performance standards of this rule, as appropriate.

OAC Rule 3745-30-08(C)(7) requires, in part, that the owner or operator determine whether there is a statistically significant increase (or change in the case of pH) from background values for each parameter or constituent required in OACs Rule 3745-30-08(D), (E), or (F), as applicable.

OAC Rule 3745-30-08(D)(4) requires, in part, that the owner or operator statistically analyze the results for the required indicator parameters in accordance OAC Rule 3745-30-08(C)(7). The number and kinds of samples collected shall be consistent with the statistical method used to analyze the data and shall be as often as necessary to ensure, with reasonable confidence, that a contaminant release to the ground water from the facility will be detected.

Ohio EPA has reviewed the exemption request and has determined that granting AES Ohio Generation, LLC an exemption from the requirements of OAC Rules 3745-30-08(C)(5), (C)(6), (C)(7), and (D)(4), as stated above, is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G), AES Ohio Generation, LLC is hereby granted an exemption from the requirements in OAC Rules 3745-30-08(C)(5), (C)(6), (C)(7), and (D)(4), as stated above, until the landfill commences disposal of residual waste as authorized by the solid waste permit.

Upon disposal of residual waste at Carter Hollow Landfill, this exemption shall expire and AES Ohio Generation, LLC shall begin statistical evaluation of groundwater samples collected in the Facility's groundwater monitoring program in accordance with OAC Rules 3745-30-08(C)(5), (C)(6), (C)(7), and (D)(4). 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 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, 4th Floor
Columbus, Ohio 43215

Carter Hollow Landfill
ORC Section 3734.02(G)
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If you have any questions concerning this letter, please contact Nathan Johnson of Ohio EPA, SEDO at (740) 380-5439.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Butler".

Craig W. Butler
Director, Ohio EPA

CB/HT/NJ/mr

ec: Richard Fox, DMWM, SEDO
Scott Hester, DMWM, CO
Adams County Health Department
Doug Snyder, DDAGW, SEDO