



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

September 6, 2018

Edward Kilbarger
Kilbarger Construction, Inc.
P.O. Box 946
Logan, Ohio 43138

Re: Athens-Hocking Reclamation Center
Director's Authorization
Approval
Municipal Solid Waste Landfills
Athens County
MSWL018746

Re: Athens-Hocking Reclamation Center
Non-Permit Related Exemption
Approval
Municipal Solid Waste Landfills
Athens County
MSWL018746

Ohio EPA SEP 6 '18
Entered Directors Journal

**Subject: Athens-Hocking Reclamation Center Landfill, Athens County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(2) Approval
Exemption from the Requirements in OAC Rule 3745-27-10(F)(2)(e)(ii)**

Dear Mr. Kilbarger:

On June 14, 2018, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO) received a request, dated June 14, 2018, titled, "Alternate Groundwater Monitoring List, Deletion of EDB and DBCP – Athens-Hocking Reclamation Center (AHRC)." The document, submitted by The Mark James Corporation (TMJC) on behalf of Kilbarger Construction, Inc., pursuant to OAC Rule 3745-27-10(D)(2) requested to remove 1,2-dibromo-3-chloropropane (DBCP) and 1,2-dibromoethane (EDB) from the list of Appendix I ground water monitoring parameters to be analyzed in monitoring wells at Athens-Hocking Reclamation Center Landfill (Facility) located on State Route 33 in Nelsonville, Ohio.

Pursuant to OAC Rule 3745-27-10(D)(2), the owner or operator of a sanitary landfill facility may propose in writing to delete any of the Appendix I parameters monitored to meet the requirements of paragraphs (D)(5) to (D)(7) of OAC Rule 3745-27-10. The Director of Environmental Protection (Director) may approve an alternative list of monitoring parameters if the removed parameters are not reasonably expected to be in or derived from the waste contained or deposited in the sanitary landfill facility. Upon approval, the owner or operator may use the alternative list.

Sampling results for DBCP and EDB included in the deletion request support the removal of DBCP and EDB from the detection monitoring parameter list. Based on the submitted

data, the Facility has never had a confirmed 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.

I have reviewed the applicable information and approve the alternative list removing DBCP and EDB from further detection ground water monitoring at the Facility. Kilbarger Construction, Inc. 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)

On June 22, 2018, TMJC 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 determined not to have been released to ground water. Kilbarger Construction, Inc. requested to delete DBCP (parameter number 28) and EDB (parameter number 29) from the corrective measures monitoring parameter list for the Facility.

Pursuant to Ohio Revised Code (ORC) Section 3734.02(G) and OAC Rule 3745-27-03(B), the director may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, including scrap tires, from any requirement of Ohio Revised Code Chapter 3734 or any rules adopted thereunder if granting the exemption is unlikely to adversely affect the public health or safety or the environment.

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 confirmed 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 Kilbarger Construction, Inc. 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), Kilbarger Construction, Inc. 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. Kilbarger Construction, Inc. shall continue monitoring all the wells in corrective measures monitoring for the remaining parameters, 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.

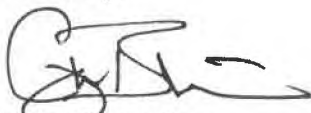
END OF EXEMPTION

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to 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 Dan Bergert of Ohio EPA, SEDO at (740) 380-5438.

Sincerely,



Craig W. Butler
Director, Ohio EPA

CB/DB/mr

ec: Rich Fox, DMWM, SEDO
Scott Hester, DMWM, CO
Mike Cooper, Athens County Health Department
Steve Lowry, DMWM, SEDO
Mark Ruof, The Mark James Company