



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

May 6, 2021

Mayor John Stanforth
City of Wilmington
69 North South Street
Wilmington, Ohio 45177

Re: Wilmington Sanitary Landfill
Non-Permit-Related Variance
Approval
Municipal Solid Waste Landfills
Clinton County
MSWL018744

**Subject: Wilmington Sanitary Landfill, Clinton County
Ohio Administrative Code (OAC) Rule 3745-27-03(C) Variance Approval**

Dear Mayor Stanforth:

On February 17, 2021, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO), received a document titled "Request for Alternative Sampling and Statistical Analysis Frequency" dated February 16, 2021, for Wilmington Sanitary Landfill (Facility) located in Clinton County. The document was submitted by Hull & Associates, LLC (Hull), on behalf of the city of Wilmington (City), pursuant to OAC Rule 3745-27-03(C) and requested a variance from OAC Rule 3745-27-10(D)(5)(a)(ii)(a-b) for the uppermost aquifer wells and OAC Rule 3745-27-10(D)(5)(b)(ii)(a-b) for significant zone of saturation wells.

OAC Rules 3745-27-10(D)(5)(a)(ii)(a-b) and 3745-27-10(D)(5)(b)(ii)(a-b) require that within the first 180 days of implementing a ground water detection monitoring program, a minimum of four independent sampling events occur, and no later than one hundred and eighty days after implementing the ground water monitoring program, an additional four sampling events occur to establish background.

The City requests to modify sampling frequency during establishment of background for the Wilmington Sanitary Landfill Northwest Area expansion to eight (8) quarterly sampling events over the first two years from eight (8) sampling events in the initial year. Hull asserts that this will be protective of human health, safety, and the environment and will minimize potential for false statistical positives. The Facility has 27 years of monitoring data from the existing monitoring network to assure confidence in the above statements.

Pursuant to Ohio Revised Code (ORC) Section 3734.02 (A) and OAC Rule 3745-27-03(C), the director may issue a variance only if the applicant demonstrates to the director's satisfaction that construction, operation, closure activities, or post-closure activities of the solid waste facility in the manner approved by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or health hazard and is unlikely to result in violation of and regulation adopted by the director pursuant to

ORC Chapters 3704, 3714, 3734, or 6111.

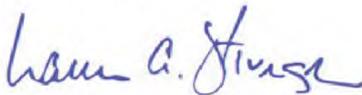
Ohio EPA has reviewed the February 16, 2021 document and concurs with the request to allow the sampling frequency and statistical analysis for establishment of background to be changed from nine (9) sampling events in the first year to eight (8) quarterly events over two years. Ohio EPA has determined that the City has provided sufficient evidence to demonstrate that this revision in sampling frequency will not create a nuisance or a health hazard and is unlikely to result in a violation of any regulation adopted by the director pursuant to ORC Chapters 3704, 3714, 3734, or 6111. Therefore, the City is hereby granted a variance, pursuant to OAC Rule 3745-27-03(C), from the requirements of OAC Rules 3745-27-10(D)(5)(a)(ii)(a-b) and 3745-27-10(D)(5)(b)(ii)(a-b) to allow for a change to the sampling frequency to quarterly over two years as stipulated in this request for the establishment of background for the detection monitoring program at the Facility.

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 action, please contact Heidi Babos-Ford, DMWM, SWDO at (937) 285-6110.

Sincerely,



Laurie A. Stevenson
Director

ec: Michelle Ackenhausen, Ohio EPA, DMWM, SWDO
Jeremy Carroll, Ohio EPA, DMWM, Central Office
Mike Crowe, Superintendent of Sanitation, City of Wilmington
William G. Petruzzi, P.G., Principal Hydrogeologist