



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

OHIO E.P.A.

OCT 24 2014

DIRECTOR'S JOURNAL

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Jim Lassiter Date: 10-24-14

OCT 24 2014

Mr. John Butler
Sr. Site Engineer
Rumpke Sanitary Landfill, Inc.
10795 Hughes Road
Cincinnati, Ohio 45251

Re: Rumpke Sanitary Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfills
Hamilton County
MSWL018791

**Subject: Rumpke Sanitary Landfill, Hamilton County
Ohio Administrative Code (OAC) Rule 3745-27-03(C) Variance Request**

Dear Mr. Butler:

On April 24, 2014, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a document titled "Supporting Information for OAC 3745-27-03(C) Variance Request" (Request), dated April 3, 2014, for the Rumpke Sanitary Landfill (Facility) located in Hamilton County. Eagon and Associates, Inc. submitted the Request on behalf of Rumpke Sanitary Landfill, Inc. (Rumpke), pursuant to OAC Rule 3745-27-03(C), seeking a variance from the ground water monitoring requirements of OAC Rule 3745-27-10(F)(2)(e)(ii). The Request also contains supporting information needed to modify the list of inorganic water quality parameters required to be evaluated as part of the corrective measures monitoring plan (CMMP), which is a part of the approved Corrective Measures Plan (CMP) for the Facility. The CMP is being implemented to address ground water contamination detected in the area of a waste slide that occurred on March 9, 1996.

OAC Rule 3745-27-10(F)(2) requires an owner or operator who, through the ground water assessment monitoring program has determined the rate, extent, and concentration of waste-derived constituents in the ground water, to submit a CMP to evaluate methods for remediating the contamination. The CMP must include a revised ground water CMMP which identifies specific requirements to monitor the effectiveness of the corrective measures.

OAC Rule 3745-27-10(F)(2)(e)(i) requires that the CMMP contains provisions for determining semiannually that the remediation standards are being achieved for those contaminants released to the ground water. OAC Rule 3745-27-10(F)(2)(e)(ii) requires that the CMMP contains provisions for semiannual monitoring for the presence above

background levels of parameters numbered 1-66 in Appendix I of OAC Rule 3745-27-10 determined not to have been released to the ground water.

Pursuant to Ohio Revised Code (ORC) Section 3734.02(A) and OAC Rule 3745-27-03(C), the Director may grant a variance if he determines that construction, operation, closure activities and/or post-closure activities in the manner approved by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or hazard to public health or safety or the environment and is unlikely to result in a violation of any of the requirements of ORC Chapters 3704, 3714, 3734, and 6111 and the rules adopted thereunder.

Rumpke has requested to continue to monitor for the presence above background levels all ground water quality monitoring parameters 1-66 listed in Appendix I of OAC Rule 3745-27-10, as required to be evaluated as part of the CMMP. However, Rumpke has requested to statistically evaluate a reduced list of 42 parameters. Rumpke has proposed to continue sampling and evaluating ground water for tritium content, which is not one of the required parameters listed in Appendix I, but is used as an indicator for leachate for the given site conditions. Previous demonstrations indicate that the other 24 parameters have not been released to the ground water.

Upon review of the variance request, I have determined that granting the variance and revising the CMMP accordingly will not create a nuisance or hazard to public health or safety or the environment and is unlikely to result in a violation of any other requirements of ORC Chapters 3704, 3714, 3734, or 6111 and rules adopted thereunder.

Therefore, Rumpke is hereby granted a variance, pursuant to ORC Section 3734.02(A) and OAC Rule 3745-27-03(C), from the requirement of OAC Rule 3745-27-10(F)(2)(e)(ii) that the CMMP contains provisions for semiannual monitoring for the presence above background levels of parameters numbered 1-66 in Appendix I of OAC Rule 3745-27-10 determined not to have been released to the ground water. In lieu of this requirement, Rumpke shall conduct monitoring in accordance with the Request. This variance 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 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 Ohio Attorney General's Office, Environmental Enforcement Section. An appeal must be filed with the Environmental Review Appeals Commission at the following address:

Mr. John Butler
Rumpke Sanitary Landfill, Inc.
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Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, Ohio 43215

If you have any questions concerning this action, please contact Maria Lammers, DMWM, SWDO at (937) 285-6046.

Sincerely,

A handwritten signature in black ink, appearing to read 'CWB', with a horizontal line extending to the right.

Craig W. Butler
Director

cc: Tracy Buchanan, DMWM, SWDO
Chuck DeJonckheere, Solid Waste Unit, Hamilton County Public Health