



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

OHIO E.P.A.

JUN 20 2012

ENTERED DIRECTOR'S JOURNAL



June 20, 2012

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.

Mr. Tim Browning  
Director of Public Works  
City of Delaware  
440 East William Street  
Delaware, Ohio 43015

By Donna Lassiter Date 6-20-12

**Re: Curve Road Landfill, Delaware County  
Corrective Measures Plan - Selection of Corrective Measures & Variance**

Dear Mr. Browning:

On April 30, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management, Central District Office (CDO) received a revised corrective measures plan (CMP) titled "Corrective Measures Plan, Curve Road Landfill, Delaware, Ohio" for the closed Curve Road Landfill (Facility) in Delaware County. The original CMP was received December 15, 2011, and several revisions were submitted through April 30, 2012. The CMP was submitted by Burgess and Niple, Inc. on behalf of the City of Delaware (City), pursuant to Ohio Administrative Code (OAC) Rule 3745-27-10(F). The Facility is a municipal solid waste landfill that closed in 1990.

During a 2003 ground water sampling event at the Facility, an exceedance of methylene chloride, a volatile organic compound (VOC), was detected in monitoring well MW-7. The City subsequently submitted a ground water quality assessment plan. As a result of sampling during assessment monitoring at the Facility, it has been determined that the following waste derived constituents have been released to ground water from landfill operations: ammonia, barium, calcium, chloride, magnesium, manganese, methylene chloride, nickel, sodium, sulfate, total alkalinity, and total dissolved solids. The ground water plume now appears to be stable and extends off-site under an adjacent property. The City recently purchased the adjacent property and the CMP includes establishment of an environmental covenant on the property to prevent the use of ground water and surface water as a potable water source by current and future land

users. The City held a public meeting on February 15, 2012, to discuss the CMP with any interested parties.

In Section 3.0 of the CMP, "Recommended Remedial Procedures", the City recommends that continued routine cap maintenance, continued collection and disposal of leachate, and the implementation of a corrective measures ground water monitoring program be selected to limit the impact of the landfill on ground water quality. Additional activities to be implemented at the Facility are specified under Section 3.1.4 of the CMP.

In conjunction with the submittal of the CMP, the City has requested a variance from OAC Rule 3745-27-10(F)(2)(e)(ii), which requires that a corrective measures program include semi-annual monitoring for all parameters specified in Appendix I of OAC Rule 3745-27-10. In lieu of semi-annual sampling of all Appendix I parameters, the City proposes to perform annual sampling for Appendix I parameters that are not found to be waste derived, either because they are not detected, or are not determined to be a result of landfill operations. The City also requested to remove several metals from future routine monitoring which have not been, or were only rarely, detected in ground water or leachate at the Facility. These parameters are antimony, beryllium, cadmium, chromium, selenium, silver, thallium, and vanadium. The CMP requires that the City periodically re-evaluate sampling results and subsequently return constituents that are found to be waste derived to a semi-annual sampling schedule.

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 are unlikely to result in a violation of any other requirements of Chapters 3704., 3714., 3734., and 6111. of the Ohio Revised Code and any rules adopted thereunder.

Ohio EPA has reviewed the CMP and has determined that it fulfills the requirements of OAC Rule 3745-27-10(F). Therefore, pursuant to OAC Rule 3745-27-10(F)(10), I hereby select the corrective measures that are described in Section 3.0 of the CMP to be implemented at the Facility by the City. This includes corrective measures ground water monitoring as specified within the Corrective Measures Groundwater Monitoring Program description in the CMP. In accordance with Section 3.1.4.2 of the CMP, not later than one year after the effective date of this letter, the City shall establish an environmental covenant, entered into pursuant to ORC Chapter 5301, that will prevent current and future land users from using ground water and surface water on the former Cactus Hollow property as a potable water supply.

Additionally, Ohio EPA has determined that issuing the requested variance from OAC Rule 3745-27-10(F)(2)(e)(ii) will not create a nuisance or a hazard to the 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., and 6111. and any rules adopted

thereunder. Therefore, pursuant to ORC Section 3734.02(A) and OAC Rule 3745-27-03(C), the City is hereby granted the requested variance to sample Appendix I parameters annually rather than semi-annually as specified in the CMP. This variance shall remain in effect throughout the implementation period of the CMP unless otherwise revoked.

You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission (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 Commission at the following address:

Environmental Review Appeals Commission  
77 South High Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Cal James or Phil Farnlacher of Ohio EPA, CDO at (614) 728-3778.

Sincerely,



Scott J. Nally  
Director

c: Scott Hester, DMWM, CO  
Phil Farnlacher, DWWM, CDO  
Cal James, DDAGW, CDO  
Michael Leone, Burgess & Niple  
Doug Sams, Delaware County Health Dept.