



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center  
122 S. Front Street  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

P.O. Box 1049  
Columbus, Ohio 43216-1049

Scott Arentsen - Environmental Specialist  
The Dayton Power and Light Company  
1065 Woodman Drive  
Dayton, Ohio 45432

**Re: The Dayton Power and Light Company, J.M. Stuart Station, Adams County  
ORC Section 3734.02(G) Exemption - Decline to Grant**

Dear Mr. Arentsen:

On June 8, 2005, The Dayton Power and Light Company (DP&L) submitted a request to the Ohio Environmental Protection Agency (Ohio EPA) pursuant Ohio Administrative Code (OAC) Rule 3745-30-15(A) for a variance of OAC Rule 3745-30-06(H)(2)(c), which prohibits locating a residual solid waste landfill facility above an unconsolidated aquifer system capable of sustaining a yield of 100 gallons per minute (gpm) for a 24-hour period to an existing or future water supply well located within 1,000 feet of the limits of residual solid waste placement. Ohio EPA interprets this request to be a request for an exemption pursuant to ORC Section 3734.02(G), as indicated in correspondence sent to you dated October 21, 2005.

Pursuant to Ohio Revised Code (ORC) Section 3734.02(G), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid waste that consists of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment, from any requirement to obtain a registration certificate, permit, or license or comply with other requirements of ORC Chapter 3734.

Based on a review of the information submitted with the request and subsequent submittals, I cannot determine that granting an exemption from OAC Rule 3745-30-06(H)(2)(c) is unlikely to adversely affect the public health or safety or the environment. Therefore, I decline to grant DP&L an exemption from OAC Rule 3745-30-06(H)(2)(c).

Bob Taft, Governor  
Jennette Bradley, Lieutenant Governor  
Joseph P. Koncelik, Director

Scott Arentsen, DP&L  
Exemption Decline  
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If you have any questions concerning this letter, please contact Rich Fox of Ohio EPA,  
Southeast District Office at (740) 380-5441.

Sincerely,

Joseph P. Koncelik  
Director

JPK/RF/JS/sw

cc: Adams County Health Department  
Scott Hester, CO-DSIWM  
Clint Shuff, SEDO-DSIWM