



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

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

MAILING ADDRESS:

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

Mr. Tim Browning
Public Works Director
City of Delaware
241 Cherry Street
Delaware, OH 43015

Re: City of Delaware, Curve Road Landfill, Delaware County
Explosive Gas Monitoring Plan Approval

Dear Mr. Browning:

On March 14, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Central District Office (CDO) received a revised explosive gas monitoring plan titled, *Explosive Gas Monitoring Plan* (EGMP) for the closed City of Delaware Curve Road Landfill. The EGMP was prepared by Civil & Environmental Consultants, on behalf of T&R Properties, in conjunction with the City of Delaware.

Ohio EPA reviewed the EGMP as amended, and we have determined that it meets applicable requirements of Ohio Administrative Code Rule 3745-27-12, effective August 15, 2003. Therefore, I hereby approve the EGMP for the Facility in accordance with the following conditions:

CONDITIONS

1. All activities shall be conducted in strict accordance with the plans, specifications, and information submitted as part of the EGMP. There may be no deviation from the approved plans without the express, written approval of Ohio EPA. Any future activities may require additional Ohio EPA approval.
 - a. Gas Probes G-1 through G-3 shall be installed when occupied structures are built within the 1,000 foot boundary to the west of the Facility.
 - b. Gas Probe G-5 shall be installed when occupied structures are built or rehabilitated for occupancy on the Cactus Hollow Property on the north side of the Facility within the 1,000 foot boundary.
2. Not later than 60 days after the effective date of this approval, you shall implement the EGMP.
3. Issuance of this approval does not constitute expressed or implied agreement that the monitoring of the Facility performed and implemented in accordance with the approved EGMP

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

and/or its terms and conditions will constitute compliance with applicable state and federal laws, rules, and regulations, nor does issuance of this plan approval ensure that necessary operating permits or licenses will be granted.

4. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release the owner or others from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

END OF CONDITIONS

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 which the Commission, in its discretion, may reduce if by affidavit you demonstrate 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 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
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this authorization, please contact Phil Farnlacher of Ohio EPA's Central District Office at (614) 728-3890.

Sincerely,

Chris Korleski
Director

Ron Sabitino, T&R Properties w/Copy of Approved EGMP
Doug Sams, Delaware City-County Health Dept. w/Copy of Approved EGMP
John DiNunzio, CEC w/Copy of Approved EGMP
Duane Snyder, DSIWM/CDO w/Copy of Approved EGMP

CK/PF/nsm Curve Rd. Landfill