



State of Ohio Environmental Protection Agency

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Mr. Terry Lively
City of Delaware
Engineering Department
20 East William Street
Delaware, OH 43015

**Re: Curve Road Landfill Facility
Ohio Administrative Code (OAC) Rule 3745-27-10(E)(9)(b) Approval**

Dear Mr. Lively:

On April 19, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Central District Office (CDO) received a document titled "Groundwater Detection Monitoring Program, November 2005" dated April 13, 2006, for the Curve Road Landfill (Facility) located in Delaware County. This document was submitted by Los Alamos Technical Associates, Inc., on behalf of the City of Delaware, pursuant to OAC Rule 3745-27-10(E)(9)(b), and requested reinstatement of the ground water detection monitoring program for specific monitoring wells at the Facility and to release the owner or operator from the obligation to comply with the ground water quality assessment monitoring program. The assessment monitoring program was implemented due to the detection of statistically significant changes for chloride and sodium in monitoring wells MW-5 and MW-8 during the November 2005, ground water sampling event at the Facility.

Pursuant to OAC Rule 3745-27-10(E)(9)(b), the owner or operator may demonstrate that a source other than the sanitary landfill facility caused the contamination, or that the statistically significant change resulted from error in sampling, analysis, or statistical evaluation or from natural variation in ground water quality and request that the director approve reinstatement of the detection monitoring program.

The April 13, 2006, document concluded that the statistically significant changes for chloride and sodium at monitoring wells MW-5 and MW-8 were due to spatial variability associated with the fine-grained tills and a change from bailing to low-flow purging and sampling, and not as a result of impact from the landfill. Ohio EPA has reviewed the applicable information and concurs with this conclusion. Therefore, pursuant to OAC Rule 3745-27-10(E)(9)(b), I hereby approve reinstatement of the ground water detection monitoring program for the monitoring wells in the ground water quality assessment monitoring program, noted above, and release the owner or operator from the obligation to comply with this assessment monitoring program at the Facility. This approval of reinstatement of the detection monitoring program applies to monitoring wells

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

Mr. Terry Lively
City of Delaware
Page 2 of 2

MW-5 and MW-8. Please note that wells MW-7 and MW-9 are still in assessment monitoring.

Should future or existing ground water sampling results indicate statistically significant changes in ground water monitoring parameters, the owner or operator will be required to either enter into the ground water quality assessment monitoring program in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program pursuant to OAC Rule 3745-27-10(D)(7)(c).

This approval shall not be construed to release the owner or operator from the obligation to comply with the requirements of any other ground water quality assessment monitoring program being conducted at the Facility.

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Ohio Revised Code 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. It must be filed with the Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director within three (3) days after filing with the Commission. An appeal may be filed with the 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 letter, please contact Phil Farnlacher of Ohio EPA, CDO, at 614-728-3890.

Sincerely,

Craig Butler, Chief
Central District Office
for Joseph P. Koncelik, Director

cc: Duane Snyder, DSIWM-CDO
Scott Hester, DSIWM-CO
Doug Sams, Delaware General Health Department