



**Environmental  
Protection Agency**

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

OHIO E.P.A.

APR 23 2012

ENTERED DIRECTOR'S JOURNAL

April 23, 2012

Mr. Edward Moore  
City of Toledo  
Department of Public Service  
110 N. Westwood Ave.  
Toledo, Ohio 43607

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: Jonita Lassiter Date: 4-23-12

**Re: Hoffman Road Landfill, Lucas County  
Alternative Intermediate Cover Material Approval  
180 Day Trial Period**

Dear Mr. Moore:

On February 27, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO) received a written request, dated February 24, 2012, for authorization to use an alternative intermediate cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(G)(2) for a trial period of one hundred (180) days at the Hoffman Road Landfill (Facility) located in Lucas County.

OAC Rule 3745-27-19(G)(2) states, "Intermediate cover material shall be nonputrescible and have low permeability to water, good compactability, cohesiveness, and relatively uniform texture, and shall not contain large objects in such quantities as may interfere with its application and intended purpose. A soil layer, a minimum of twelve inches thick, consisting of well-compacted loam, silt loam, clay loam, silty clay loam, silty clay or some combination thereof, shall be used. The owner or operator may use other materials or thicknesses for intermediate cover if the owner or operator can demonstrate [sic] the satisfaction of the director that the proposed intermediate cover material or thickness provides comparable and adequate protection."

Specifically, the owner or operator requested to use NU-Soil from S & L Fertilizer Company, Inc., a topsoil-like material which contains dewatered dredging material from the Maumee River, digested sewage sludge from the Bay View Waste Water Treatment Plant, and spent lime sludge from the City of Toledo Wastewater Treatment Plant. Ohio EPA has reviewed the information contained in the request and has determined that NU-Soil has the potential to provide protection comparable to twelve (12) inches of soil as required by OAC

Rule 3745-27-19(G)(2). Therefore, I hereby authorize the owner or operator of the Hoffman Road Landfill to use NU-Soil as an alternative to twelve inches of soil for intermediate cover material at the Facility for a trial period to end one hundred eighty (180) days from the effective date of this authorization, subject to the following conditions:

### CONDITIONS

1. This authorization is limited to the use of NU-Soil from S & L Fertilizer Company, Inc. for alternative intermediate cover material at the Facility on a pilot project basis. No other alternative intermediate cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The NU-Soil noted in Condition Number 1 shall be nonputrescible, have low permeability to water, good compactability, cohesiveness and relatively uniform texture and shall not contain large objects.
3. Not later than three (3) days prior to the initial application of the NU-Soil at the Facility, the owner or operator shall send written or electronic notification of the anticipated start date to Ohio EPA, DMWM, NWDO and the Toledo-Lucas County Health Department.
4. The owner or operator shall place the NU-Soil over the daily cover to minimize infiltration. If the owner or operator determines that the NU-Soil is ineffective or otherwise unsatisfactory under normal operating conditions, the owner or operator shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(G). The owner or operator shall verbally notify Ohio EPA, DMWM, NWDO of this action not later than the end of the next working day and shall submit written notification to Ohio EPA, DMWM, NWDO and the Toledo-Lucas County Health Department not later than fourteen (14) calendar days after the action has been taken.
5. If inclement weather conditions will render the placement or use of the NU-Soil ineffective or otherwise unsatisfactory as an alternative intermediate cover material, the owner or operator shall temporarily revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(G) until such conditions cease to exist.
6. If Ohio EPA or the Toledo-Lucas County Health Department determines that the use of the NU-Soil is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use the material may be revoked upon written notification from Ohio EPA. Immediately upon such revocation, the owner or operator shall cease using the NU-Soil as alternative intermediate cover material at the Facility and shall revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(G).

7. The owner or operator shall not use the NU-Soil as final cover material.
8. The owner or operator shall document the use of NU-Soil as alternative intermediate cover material with photographs taken bimonthly.
9. The use and location of the NU-Soil as alternative intermediate cover material shall be documented on the Municipal Solid Waste Landfill Daily Log of Operations, Form 3 on any day the NU-Soil is placed on the landfill as AIC material. Inspection dates and any maintenance and observations made during inspections and bimonthly photographing activities shall be documented on the Municipal Solid Waste Landfill Daily Log of Operations, Form 3.
10. Not later than one hundred twenty (120) days after the receipt of this authorization, the owner or operator shall submit to Ohio EPA, DMWM, NWDO and the Toledo-Lucas County Health Department a report comparing the effectiveness of the NU-Soil to traditional intermediate soil cover that has been used at the Facility. If, as provided in Condition Numbers 4 or 6, the owner or operator ceases to use the NU-Soil prior to the end of the one hundred eighty (180) day trial period, then the report shall be due not later than thirty (30) days after the end of use. In either situation, the report shall contain a discussion of the following items:
  - Number of days the NU-Soil material was used
  - Weather conditions at the time of placement of the NU-Soil
  - Discussion of the effectiveness of the material
  - Number of days odors were detected
  - Presence of vectors, rodents, and insects
  - Bimonthly photographs
11. This authorization to use NU-Soil as alternative intermediate cover will expire one hundred eighty (180) days after the effective date of this authorization. The owner or operator may not add more NU-Soil to the landfill as AIC material after that date and must return to conventional intermediate soil cover if Director's approval for continued use is not granted.
12. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This letter shall not be interpreted to release the owner or operator 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, 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.

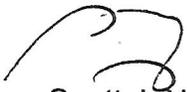
**END OF CONDITIONS**

You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals 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. 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 Environmental Review Appeals 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 regarding this authorization, please contact Susan Hardy of Ohio EPA, DMWM, NWDO at (419) 373-3043.

Sincerely,



Scott J. Nally  
Director

Pc: Jodi Vaughan, Toledo-Lucas County Health Department  
Karen Okonta, Hull and Associates, Inc.  
Mike Reiser, DMWM, NWDO  
Abdul Smiley, DMWM, NWDO