



State of Ohio Environmental Protection Agency

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ENTERED DIRECTOR'S JOURNAL

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I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency

Zona L. Clements 6/4/02

Ms. Cathy Hardy
Waste Management
1700 North Broad Street
Fairborn, Ohio 45324

Re: **Stony Hollow Recycling and Disposal Facility (RDF), Montgomery County
Alternative Daily Cover Approval**

Dear Ms. Hardy:

On February 19, 2002, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a request dated February 18, 2002, for authorization to use Nico-Fab 20409 as alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) at the Stony Hollow RDF (Facility) in Montgomery County.

OAC Rule 3745-27-19(F)(3) states, "The director may approve alternative materials and/or thicknesses for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the alternative material and/or thickness provides comparable protection and is protective of human health and the environment."

Ohio EPA recognizes that Nico-Fab 20409 has the potential to provide protection comparable to six inches of soil as required by OAC Rule 3745-27-19(F). Therefore, pursuant to OAC Rule 3745-27-19(F)(3), I hereby authorize the owner/operator to use Nico-Fab 20409 as an alternative to six inches of soil for daily cover at the facility for a trial period to end one hundred eighty (180) days from the effective date of this authorization.

This approval is granted with the following conditions:

1. This authorization is limited to the use of only Nico-Fab 20409 at the Stony Hollow RDF. No other alternative daily cover may be used at the Stony Hollow RDF without prior authorization from Ohio EPA.
2. The owner/operator shall place Nico-Fab 20409 over all exposed waste materials by the end of the working day, or more frequently if necessary, to control fire hazards, blowing litter, odors, dust, insects and rodents.
3. If inclement weather conditions render the placement or use of Nico-Fab 20409

Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director

ineffective or otherwise unsatisfactory, the owner/operator shall temporarily revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F) until such conditions cease to exist. Under such circumstances, the owner/operator may apply another alternative daily cover material that has been approved for use at the facility, provided that the alternative daily cover material is able to perform effectively under the inclement conditions.

4. If the owner/operator determines that Nico-Fab 20409 is ineffective or otherwise unsatisfactory under any operating conditions, the owner/operator shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, the owner/operator may apply another alternative daily cover material that has been approved for use by Ohio EPA at the Facility. The owner/operator shall verbally notify Ohio EPA, SWDO and the Montgomery County Health District of this action by the end of the next working day and shall submit written notification to Ohio EPA, SWDO, within fourteen (14) calendar days. This notification is not necessary if the use of Nico-Fab 20409 ceases on a temporary basis in accordance with Condition Number 3.
5. If Ohio EPA determines that the use of Nico-Fab 20409 is ineffective or unsatisfactory under normal operating conditions, then permission to use Nico-Fab 20409 may be revoked by the Director of Environmental Protection. Immediately upon such revocation, the owner/operator shall cease using Nico-Fab 20409 at the facility and shall revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, the owner/operator may apply another alternative daily cover material that has been approved for use at the facility.
6. The Stony Hollow RDF shall not have more than 20,000 square feet (2 full panels) of waste covered with alternative daily cover material at any one time. This maximum area applies to the use of Nico-Fab 20409 by itself or in combination with other alternative daily cover materials that the director has authorized to be used at the Stony Hollow RDF.
7. Nico-Fab 20409 shall not be used as intermediate or final cover. Any solid waste disposal area that remains inactive for a period of seven (7) days, and which has been covered with Nico-Fab 20409, shall be covered with at least six inches of soil in accordance with OAC Rule 3745-27-19(F) by the end of the seventh day. Damaged panels shall not be used until adequate repairs have been made such that the panels perform their intended purpose.
8. Not later than one hundred twenty (120) days after the effective date of this authorization, the owner/operator shall submit to Ohio EPA, SWDO a report comparing the effectiveness of Nico-Fab 20409 to conventional soil cover and other

alternative daily cover materials that have been used at the facility. If, as provided in Condition Number 4 or 5, the owner/operator ceases to use Nico-Fab 20409 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 use ceases. In either situation, the report shall contain a discussion of the following items:

- A. Number of days the material was used;
 - B. Weather conditions at the time placement of the material was inspected;
 - C. Number of days odors were detected;
 - D. Presence of vectors, rodents and insects;
 - E. Methods used to anchor tarps to the ground;
 - F. Any increase in blowing litter; and
 - G. Method(s) for controlling fire during use of alternative daily cover material.
9. Photographs from at least two opposing sides of the working face shall be taken of the working face after Nico-Fab 20409 has been applied. At least four such series of photographs shall be taken during the trial period. These photographs shall be included in the report required by Condition Number 8.
10. The use and location of Nico-Fab 20409 shall be documented on the Municipal Solid Waste Disposal Facility Daily Log of Operations, Form 3. This document shall also include a map that shows where Nico-Fab 20409 was utilized as alternative daily cover relative to the working face.
11. This authorization to use Nico-Fab 20409 will expire one hundred eight (180) days after the effective date of this authorization. The owner/operator may not use Nico-Fab 20409 as alternative daily cover after that date unless authorization for continued use has been provided by Ohio EPA.
12. Nothing in this letter shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations. This letter shall not be interpreted to release the owner/operator from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code; under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

You are hereby notified that this action of the Director of Environmental Protection is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Section 3745.04 of the Ohio Revised Code. 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

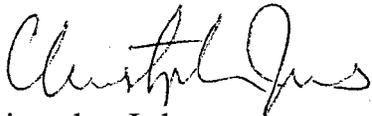
action. A copy of the appeal must be served on the director within three (3) days of filing with the Commission. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street, Room 300
Columbus, Ohio 43215

In the event that the owner/operator finds Nico-Fab 20409 to be acceptable and wishes to continue its use, authorization for on-going use of this material after the one hundred eighty (180) day trial period is required. In order to avoid temporary discontinuance of the use of Nico-Fab 20409, Ohio EPA recommends that a request for continued authorization be submitted at least forty-five (45) days prior to the end of the trial period.

If you have any questions regarding this authorization, please contact Jeff Meyer of Ohio EPA, SWDO, at (937) 285-6048.

Sincerely,



Christopher Johes
Director

cc: Don Marshall, DSIWM-SWDO
Scott Hester, DSIWM-CO
Tracy Buchanan, Montgomery County Health District