

Issuance Date: NOV 27 2002

Effective Date: NOV 27 2002

**BEFORE THE**  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**

**IN THE MATTER OF:**

Browning-Ferris Industries of Ohio, Inc. :  
530 North Camp Road  
Port Clinton, Ohio 43452

Director's Final Findings  
and Orders

OHIO E.P.A.  
NOV 27 2002  
ADMINISTRATIVE SERVICES  
SERIAL

Pursuant to Chapter 3734 of the Ohio Revised Code (ORC), the Director of Environmental Protection hereby makes the following Findings and issues the following Orders.

**FINDINGS**

1. Browning-Ferris Industries of Ohio, Inc. is the owner, operator, permittee, and licensee of the Ottawa County Landfill (Facility) located at 530 North Camp Road, Port Clinton, Ohio. The Facility is a sanitary landfill facility as that term is defined in Ohio Administrative Code (OAC) Rule 3745-27-01. Browning-Ferris Industries of Ohio, Inc. is currently operating the Facility pursuant to Permit-to-Install No.03-3822, effective February 28, 1992.
2. OAC Rule 3745-27-19(F) requires owners and operators of municipal solid waste landfills to apply daily cover to all exposed waste by the end of the working day to control fire hazards, blowing litter, odors, insects, vectors, and rodents. OAC Rule 3745-27-19(F) requires that daily cover be non-putrescible, not be solid waste, and not contain large objects in such quantities as may interfere with its application and intended purpose.
3. OAC Rule 3745-27-19(F)(3) allows the director to approve alternative materials and/or thickness for use as 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 as protective of human health and the environment as conventional soil cover required by OAC Rules 3745-27-19(F)(1) and (F)(2).
4. On October 8, 2002, Browning-Ferris Industries of Ohio, Inc. submitted a letter to Ohio EPA, Northwest District Office (NWDO) requesting authorization to use a mixture of filter cake from a venturi scrubber and blast furnace flue dust as an alternative to conventional soil cover at the Facility.

*[Handwritten signature and date]*  
D. Jackson 11/27/02

5. OAC Rule 3745-27-19(F) states, in pertinent part, that "daily cover material... shall not be solid waste...".
6. The mixture of filter cake and blast furnace flue dust is solid waste in accordance with OAC Rule 3745-27-01(B)(43).
7. ORC Section 3734.02(G) provides that the director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, 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 or any rules adopted thereunder.
8. Information submitted as part of the request referenced in Finding No. 4 demonstrates that the mixture of filter cake and blast furnace flue dust has the potential to provide protection comparable to six inches of soil as required by OAC Rule 3745-27-19(F). Granting an exemption to allow use of the mixture of filter cake and blast furnace flue dust as alternative daily cover material is unlikely to adversely affect public health or safety or the environment.

#### ORDERS

1. Pursuant to OAC Rule 3745-27-19(F)(3), Browning-Ferris Industries of Ohio, Inc. is hereby authorized to use steelmaking waste (mixture of filter cake and blast furnace flue dust) as alternative daily cover material at the Facility in accordance with the following orders.
2. Pursuant to ORC Section 3734.02(G), Browning-Ferris Industries of Ohio, Inc. is hereby exempted from the prohibition, contained in OAC Rule 3745-27-19(F), to use solid waste as daily cover. This exemption allows Browning-Ferris Industries of Ohio, Inc. to use the mixture of filter cake and blast furnace flue dust as alternative daily cover material at the Facility.
3. Browning-Ferris Industries of Ohio, Inc. shall use the mixture of filter cake and blast furnace flue dust as alternative daily cover material only at the Facility.
4. Browning-Ferris Industries of Ohio, Inc. shall use only the mixture of filter cake and blast furnace flue dust that is consistent with the waste characterization profile included in the October 8, 2002 submittal. No other types of solid waste or other alternative materials may be used as alternative daily cover without prior authorization from Ohio EPA.

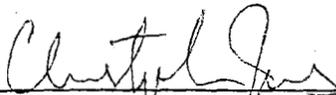
5. All stockpile or storage areas shall be located within the current phase of operation and runoff from any waste stockpile or storage area shall be managed as leachate.
6. Browning-Ferris Industries of Ohio, Inc. must place a minimum of six inches of the filter cake and blast furnace flue dust mixture over 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.
7. If inclement weather conditions will render the placement or use of the mixture of filter cake and blast furnace flue dust ineffective or otherwise unsatisfactory, Browning-Ferris Industries of Ohio, Inc. 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, Browning-Ferris Industries of Ohio, Inc. 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.
8. If Browning-Ferris Industries of Ohio, Inc. determines that the mixture of filter cake and blast furnace flue dust is ineffective or otherwise unsatisfactory under normal 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. Browning-Ferris Industries of Ohio, Inc. shall verbally notify Ohio EPA, NWDO of this action by the end of the next working day and shall submit written notification to Ohio EPA, NWDO within fourteen (14) calendar days. This notification is not necessary if the use of the mixture of filter cake and blast furnace flue dust ceases on a temporary basis in accordance with Order No. 7.
9. If Ohio EPA determines that the use of the mixture of filter cake and blast furnace flue dust is ineffective or unsatisfactory under normal operating conditions, then permission to use the material may be revoked upon written notification from the Director of Environmental Protection. Immediately upon such revocation, Browning-Ferris Industries of Ohio, Inc. shall cease use of the mixture of filter cake and blast furnace flue dust as alternative daily cover material at the Facility and shall revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, Browning-Ferris Industries of Ohio, Inc. may apply another alternative daily cover material that has been approved for use at the Facility.
10. Browning-Ferris Industries of Ohio, Inc. shall not have more than five thousand square feet of the working face covered with alternative daily cover material at any one time. This maximum area applies to the use of the mixture of filter cake and

blast furnace flue dust by itself or in combination with other alternative daily cover materials that the director has authorized to be used at the Facility.

11. The mixture of filter cake and blast furnace flue dust shall not be used as intermediate or final cover. Any solid waste disposal area that remains inactive for a period of seven (7) days, which has been covered with the mixture of filter cake and blast furnace flue dust, 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.
12. Not later than one hundred twenty (120) days after the effective date of this authorization, Browning-Ferris Industries of Ohio, Inc. shall submit to Ohio EPA, NWDO a report comparing the effectiveness of the mixture of filter cake and blast furnace flue dust to conventional soil cover and other alternative daily cover materials that have been used at the Facility. If, as provided in Orders No. 8 or 9, Browning-Ferris Industries of Ohio, Inc. ceases to use the mixture of filter cake and blast furnace flue dust 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 the material was inspected
  - c. Number of days odors were detected
  - d. Presence of vectors, rodents, and insects
  - e. Any increase in blowing litter
  - f. Method(s) for controlling fire during use of alternative daily cover material
13. Photographs of the working face shall be taken from at least two opposing sides after the mixture of filter cake and blast furnace flue dust 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 Order No. 12.
14. This authorization to use the mixture of filter cake and blast furnace flue dust will expire one hundred eighty (180) days after the effective date of this authorization. Browning-Ferris Industries of Ohio, Inc. may not use the mixture of filter cake and blast furnace flue dust as alternative daily cover material after that date unless authorization for continued use has been provided by Ohio EPA.
15. Appropriate state and local solid waste fees shall be applied to the mixture of filter cake and blast furnace flue dust, regardless of whether it is utilized as alternative daily cover material or disposed of in the working face.

16. The use of the mixture of filter cake and blast furnace flue dust as alternative daily cover shall be documented on the required Daily Log of Operations-Form 3 on each day it is used as alternative daily cover material.
17. Nothing in these Findings and Orders shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations. Furthermore, this authorization shall not be interpreted to release Browning-Ferris Industries of Ohio, Inc. or others 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.

**IT IS SO ORDERED:**

  
\_\_\_\_\_  
Christopher Jones, Director