

OHIO E.P.A.

MAR 31 2003

ENTERED DIRECTOR'S JOURNAL

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**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Browning-Ferris Industries of Ohio, Inc.
Lorain County II Landfill
43502 Oberlin-Elyria Road
Oberlin, OH 44074

Director's Final
Findings and Orders

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Browning-Ferris Industries of Ohio, Inc. (BFIO) pursuant to the authority vested in the Director of Environmental Protection (Director) in accordance with Ohio Revised Code (ORC) Sections 3734.02 and 3745.01.

II. PARTIES

These Orders shall apply to and be binding upon BFIO and its successors in interest liable under Ohio law. No change in ownership relating to BFIO or of the Lorain County II Landfill shall in any way alter BFIO's obligations under these Orders. BFIO's obligations under these Orders may only be altered by the written approval of the Director.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder. Unless otherwise stated, all citations of the Ohio Administrative Code (OAC) shall refer to regulations currently effective.

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.

Zena J. Clement Mar 31 2003

IV. FINDINGS

1. Browning-Ferris Industries of Ohio, Inc. (BFIO) is the owner, operator, permittee and licensee of the Lorain County II Landfill (Facility). The Facility is located at 43502 Oberlin-Elyria Road in the City of Oberlin in Lorain County, Ohio. The Facility is a sanitary landfill as defined in OAC Rule 3745-27-01. The Facility is currently operating in accordance with permit-to-install (PTI) number 02-8972, effective April 4, 1996.
2. On December 18, 2002, BFIO submitted a letter to the Ohio Environmental Protection Agency (Ohio EPA), Northeast District Office (NEDO) requesting to use a mixture of filter cake from a venturi scrubber and blast furnace flue dust (steelmaking waste) as alternative daily cover material at the Facility for a trial period of one hundred eighty (180) days.
3. OAC Rule 3745-27-19(F) requires the owner/operator of a solid waste facility 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. Daily cover material shall be non-putrescible, not be solid waste and not contain large objects in such quantities as may interfere with its application and intended purpose.
4. OAC Rule 3745-27-19(F)(3) authorizes the director to approve alternative materials for use as daily cover if it can be demonstrated, to the satisfaction of the director, that the material provides protection comparable to conventional soil cover and is protective of human health and the environment.
5. The mixture of filter cake from a venturi scrubber and blast furnace flue dust is solid waste in accordance with OAC Rule 3745-27-01(B)(43).
6. OAC Rule 3745-27-19(F) states, in pertinent part, that "daily cover material...shall not be a solid waste...".
7. Pursuant to ORC Section 3734.02(G), the director may, by order, exempt any person generating, 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 the requirement to obtain a permit or license or comply with other requirements of ORC Chapter 3734.

8. Because the steelmaking waste as described in Finding Number 2, has the potential to provide protection comparable to conventional soil cover, and since BFIO must comply with the orders specified below, issuance of a temporary exemption from the requirement of OAC Rule 3745-27-19(F), which prohibits the use of solid waste as daily cover, is unlikely to adversely affect the public health or safety or the environment.

V. ORDERS

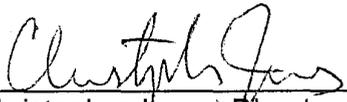
1. Pursuant to ORC Section 3734.02(G), BFIO is hereby exempted from the prohibition of OAC Rule 3745-27-19(F) to use solid waste as daily cover, in order to use steelmaking waste as alternative daily cover material for a trial period of one hundred eighty (180) days at the Facility, in accordance with the following orders.
2. BFIO shall use only the steelmaking waste that is consistent with the waste characterization profile included in the December 18, 2002 submittal. No other types of solid waste may be used as daily cover without prior approval from Ohio EPA.
3. BFIO shall use the steelmaking waste as defined in Finding Number 2 as alternative daily cover material only at the Lorain County II Landfill for the 180-day trial period and in accordance with PTI# 02-8972. The use of the steelmaking waste in any other permitted area is not authorized by this order.
4. BFIO shall provide written notification to Ohio EPA, NED0 and the Lorain County Health Department not later than seven days prior to anticipated use of the steelmaking waste as alternative daily cover material at the Facility.
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. BFIO must place a minimum of six inches of the steelmaking waste 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 steelmaking waste ineffective or otherwise unsatisfactory, BFIO 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, BFIO 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 BFIO determines that the steelmaking waste 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). BFIO shall verbally notify Ohio EPA, NEDO of this action by the end of the next working day and shall submit written notification to Ohio EPA, NEDO within fourteen (14) calendar days. This notification is not necessary if the use of steelmaking waste ceases on a temporary basis in accordance with Order No. 7. 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.
9. If Ohio EPA determines that the use of steelmaking waste is ineffective or unsatisfactory under normal operating conditions, then permission to use the material as alternative daily cover may be revoked upon written notification from the Director. Immediately upon such revocation, Browning-Ferris Industries of Ohio, Inc. (BFIO) shall cease use of the steelmaking waste 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, BFIO may apply another alternative daily cover material that has been approved for use at the Facility.
10. BFIO shall direct all surface water drainage from all areas utilizing the steelmaking waste as alternative daily cover material into the leachate collection system. No drainage from this alternative daily cover shall go to surface water control structures.
11. BFIO 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 steelmaking waste by itself or in combination with other alternative daily cover materials that the Director has authorized to be used at the Facility.
12. The steelmaking waste 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 steelmaking waste, 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.
13. Not later than one hundred twenty (120) days after the effective date of this authorization, BFIO shall submit to Ohio EPA, NEDO a report comparing the effectiveness of the steelmaking waste to conventional soil cover and other alternative daily cover materials that have been used at the Facility. If, as provided in Orders Number 8 or 9, BFIO ceases to use the steelmaking waste 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
14. Photographs of the working face shall be taken from at least two opposing sides after the steelmaking waste 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 Number 13.
15. BFIO shall record the following information during the trial period and shall include the information in the report:
- a. Total amount of the steelmaking waste brought to the Facility in tons;
 - b. Total amount of the steelmaking waste used as alternative daily cover material at the Facility in tons;
 - c. Total amount of the steelmaking waste disposed of at the Facility in tons.
- The information specified in a., b., and c. above shall be recorded on a daily basis and shall be made available to Ohio EPA or the Lorain County Health Department upon request. BFIO shall include in the annual report prepared and submitted pursuant to OAC Rule 3745-27-19(M) a summary of the monthly totals of the above information and the total amount of steelmaking waste brought to the Facility, used as alternative daily cover material, and disposed at the Facility, in tons, for the calendar year represented by the annual report.
16. The use of steelmaking waste as alternative daily cover material shall be documented on the required Municipal Solid Waste Disposal Facility Daily Log of Operations, Form 3 on each day it is used as alternative daily cover material.
17. All steelmaking waste brought to the Facility shall be applied to the Facility's authorized maximum daily waste receipt (AMDWR), whether used as alternative daily cover material or disposed at the Facility.
18. Any steelmaking waste placed on the working face for disposal shall be covered with conventional soil cover or another alternative daily cover material approved by Ohio EPA for use at the Facility by the end of the working day.

19. This authorization to use steelmaking waste will expire one hundred eighty (180) days after the effective date of this authorization. BFIO may not use steelmaking waste as alternative daily cover material after that date unless authorization for continued use has been provided by Ohio EPA.
20. Appropriate state and local solid waste fees shall be applied to the steelmaking waste, regardless of whether it is utilized as alternative daily cover material or disposed of in the working face.
21. Nothing in these Findings and Orders shall be construed to authorize any waiver from any other requirements of applicable federal or state laws or regulations except as specified herein. 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
Ohio Environmental Protection Agency