



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS

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Handwritten signature: Jimmy Jackson

Handwritten date: 10-14-03

OCT 14 2003

OHIO E. A.
OCT 14 2003
MAIL

Bob Downing, District Manager
Waste Management of Ohio, Inc.
Evergreen Recycling and Disposal Facility
2625 East Broadway
Northwood, Ohio 43619

**Re: Evergreen Recycling and Disposal Facility, Wood County
Alternative Daily Cover Approval**

Dear Mr. Downing:

On July 30, 2003, the Ohio Environmental Protection Agency (Ohio EPA) received your request to use Proguard SB as alternative daily cover material at the Evergreen Recycling and Disposal Facility (Facility) located in Wood County. The request was made in accordance with paragraph (F)(3) of Ohio Administrative Code (OAC) Rule 3745-27-19.

Paragraph (F)(3)(b) of OAC Rule 3745-27-19 states that I may approve alternative materials and/or thicknesses for daily cover if the owner or operator can demonstrate to my satisfaction that the alternative material and/or thickness provides protection comparable to six inches of soil and is protective of human health and the environment.

Proguard SB has been approved for use as alternative daily cover at other solid waste landfill facilities in Ohio. Based on the material's performance at these other facilities, I have determined that its use as alternative daily cover provides protection comparable to six inches of soil and is protective of human health and the environment. Therefore, I hereby approve the use of Proguard SB at the Facility. As part of this approval, the owner or operator is subject to the following conditions:

1. This approval is limited to the use of only Proguard SB at the Facility. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall place Proguard SB 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.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

3. If inclement weather conditions will render the placement or use of the Proguard SB ineffective or otherwise unsatisfactory, the owner or operator shall temporarily revert to using conventional soil cover in accordance with paragraph (F) of OAC Rule 3745-27-19 until such conditions cease to exist. Under such circumstances, the owner or operator may apply another alternative daily cover material that has been approved for use at the Facility, provided that the material is able to perform effectively under the inclement conditions.
4. If the owner or operator determines that Proguard SB is ineffective or otherwise unsatisfactory under normal operating conditions, the owner or operator shall immediately revert to using conventional soil cover in accordance with paragraph (F) of OAC Rule 3745-27-19. Under such circumstances, the owner or operator **may** apply another alternative daily cover material that has been approved at the Facility. The owner or operator shall notify Ohio EPA, Northwest District Office (**NWDO**) and the Wood County Health Department of this action by the end of the next working day and shall submit written notification within 14 calendar days. This notification is not necessary if the use of the Proguard SB ceases on a temporary basis in accordance with Condition Number 3, above.
5. If Ohio EPA determines that the use of Proguard SB is ineffective or unsatisfactory under normal operating conditions, then authorization to use the material may be revoked upon written notification from the director of Ohio EPA. Upon such revocation, the owner or operator shall immediately cease use of Proguard SB as alternative daily cover at the Facility and shall revert to using conventional soil cover in accordance with paragraph (F) of OAC Rule 3745-27-19. Under such circumstances, the owner or operator may use another alternative daily cover material that has been approved for use at the Facility.
6. The owner or operator shall not have more than 25,000 square feet of the facility covered with alternative daily cover material at any time. This maximum area applies to the use of Proguard SB by itself or in combination with other alternative daily cover materials that have been approved for use at the Facility.
7. The owner or operator shall maintain a well compacted working face to minimize the surface area of exposed waste. At a minimum, Proguard SB shall be applied from the four opposing sides of the working face to form a complete uninterrupted cover.
8. The owner or operator shall not apply the Proguard SB during a rainfall event. In the event that precipitation renders Proguard SB ineffective prior to or following

normal curing, another application of Proguard SB or six inches of conventional soil cover shall be applied.

9. The owner or operator shall keep a record of the volume of Proguard SB applied and the size of the area covered for each day that the material is used. **These** records shall be kept on site and be made available for inspection by Ohio EPA or the Wood County Health Department.
10. Proguard SB shall not be used as intermediate, transitional, or final cover. Any solid waste disposal area which remains inactive for a period of seven days and is covered with Proguard SB shall be covered with at least six inches of soil in accordance with paragraph (F) of OAC Rule 3745-27-19 by the end of the seventh day.
11. The use of Proguard SB as alternative daily cover shall be documented on the required Daily Log of Operations, Form 3 on each day it is **used** as an alternative daily cover material.

Nothing in this approval shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations. This approval 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 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 pursuant to ORC 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 30 days after the notice of the director's action. A copy of the appeal must be served on the director within three days of 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

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Alternative Daily Cover Approval
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If you have any questions regarding this approval, please contact Ben Smith of Ohio EPA's Northwest District Office at (419) 373-3062.

Sincerely,



Christopher Jones
Director

cc: Jim Konopinski, Wood County Health Department
Scott Hester, DSIWM, CO
Ben Smith, Ohio **EPA**, NWDO