

OHIO E.P.A.

MAR - 3 2003

ENTERED DIRECTOR'S JOURNAL

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IN THE MATTER OF:

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

Director's Final  
Findings and Orders

### I. JURISDICTION

These Director's Final Findings and 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 the Ohio Revised Code (ORC) Sections 3734.02 and 3745.01.

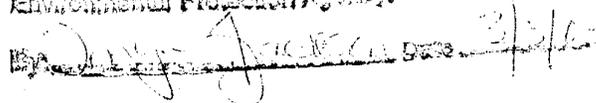
### II PARTIES

These Orders shall apply to and be binding upon BFIO and successors in interest liable under Ohio law. No change in ownership relating to BFIO or of the Ottawa County 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 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 correct copy of the  
official document as filed in the records of the Ohio  
Environmental Protection Agency.

  
Date: 3/3/03

#### IV. FINDINGS

1. Browning Ferris Industries of Ohio, Inc. (BFIO) is the owner, operator, permittee, and licensee of the Ottawa County Landfill (Facility) which is located at 530 North Camp Road, Port Clinton, Ottawa County, Ohio. The Facility is a sanitary landfill facility as defined in OAC Rule 3745-27-01. BFIO is currently operating the Facility pursuant to Permit-to-Install No. 03-10976, effective November 21, 1997.
2. OAC Rule 3745-27-19(F) requires the owner or operator of a sanitary landfill 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, shall not be solid waste, and shall not contain large objects in such quantities as may interfere with its application and intended purpose.
3. 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."
4. On December 26, 2002, BFIO submitted a letter to the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO) to use a mixture of the following: steel caster treatment plant classifier sludge, steel caster water treatment plant sludge, steel plant water treatment plant sludge, C5 and C6 blast furnace water treatment plant sludge, C5 and C6 flue dust, scale/vac pit sludge, and strip mill water treatment plant hot mill sludge from the east side of the International Steel Group (ISG) plant as alternative daily cover material at the Facility. Addenda to the initial letter were received from BFIO, dated January 3 and 27, 2003.
5. As noted in Finding Number 2, daily cover material shall not be solid waste.
6. The ISG mixture of waste materials is solid waste as defined in 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. On April 8, 1999, Ohio EPA authorized BFIO to utilize a mixture of 14 waste materials generated by LTV Steel, the former owner, as alternative daily cover

material for a trial period of one hundred eighty (180) days at the Facility. During this trial period, the performance of the material was monitored by Ohio EPA, NWDO to determine the material's effectiveness and its ability to function in the manner intended. Additionally, as required by the aforementioned authorization, BFIO submitted a report, dated July 19, 1999, to Ohio EPA, NWDO. The report detailed the performance of the alternative cover material, which was comprised of two mixtures, each consisting of seven waste streams generated by LTV Steel during the 180-day trial period. One mixture was generated at the east side of the LTV Steel plant and the other mixture was generated at the west side of the LTV Steel plant. The December 26, 2002 letter and subsequent addenda, state that LTV Steel was acquired by ISG in early 2002, and the processes and waste materials from ISG have not changed. BFIO is requesting approval to use the waste materials generated only at the east side of ISG as alternative daily cover material at the Facility.

9. Based upon the results of the report identified in Finding Number 8 and monitoring conducted by Ohio EPA, NWDO, Ohio EPA has determined that the mixture of waste materials generated at the east side of ISG (formerly LTV Steel) functioned effectively as alternative daily cover material and provided protection comparable to conventional soil cover and approval to use the material as alternative daily cover is unlikely to adversely affect the public health or safety or the environment.

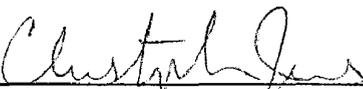
## V. ORDERS

1. Pursuant to OAC Rule 3745-27-19(F)(3), BFIO is hereby authorized to use the mixture of waste materials from the east side of ISG as alternative daily cover material at the Facility in accordance with the following orders
2. Pursuant to ORC Section 3734.02(G), BFIO is hereby exempted from the prohibition, contained in OAC Rule 3745-27-19(F), to use solid waste as daily cover. This exemption allows BFIO to use the mixture of waste materials identified in Finding Number 4, as alternative daily cover material at the Facility.
3. BFIO shall use the mixture of the seven waste materials generated by the east side of ISG as alternative daily cover material only at the Facility identified in Finding Number 1.
4. BFIO shall use only the mixture of seven waste materials generated by ISG that is consistent with the waste characterization profile included in the April 14, 1997, submittal regarding LTV Steel wastes. No other 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. BFIO must place a minimum of six inches of the mixture of waste materials generated by ISG 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 waste materials generated by ISG 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 mixture of waste materials generated by ISG is ineffective or otherwise unsatisfactory under normal operating conditions, BFIO shall immediately 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 by Ohio EPA at the Facility. BFIO 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 use of the mixture of waste materials generated by ISG ceases on a temporary basis in accordance with Order Number 7.
9. If Ohio EPA determines that use of the mixture of the seven waste materials generated by ISG is ineffective or unsatisfactory under normal operating conditions, then permission to use the material may be revoked upon written notification from the Director. Immediately upon such revocation, BFIO shall cease to use the mixture of waste materials generated by ISG 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 not have more than forty thousand square feet of the Facility covered with alternative daily cover material at any one time. This maximum area applies to the use of the mixture of waste materials generated by ISG 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 waste materials generated by ISG 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 the mixture of waste materials 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. Appropriate state and local solid waste fees shall be applied to the mixture of the seven waste materials generated by ISG, regardless of whether it is utilized as alternative daily cover material or disposed of in the working face.
13. The use of the mixture of waste materials generated by ISG as alternative daily cover shall be documented on Form 3 of the required Municipal Solid Waste Landfill Daily Log of Operations on each day it is used as alternative daily cover material.
14. 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 BFIO 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:**

  
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Christopher Jones, Director  
Ohio Environmental Protection Agency