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John L. Hattersley, P.E.  
Rumpke Waste Collection & Disposal Systems  
10795 Hughes Road  
Cincinnati, Ohio 45251

**Re: Brown County Landfill  
180-Day Alternative Daily Cover Approval (Visquine)**

Dear Mr. Hattersley:

By document dated January 27, 2004, Rumpke Waste Collection & Disposal Systems (Rumpke) submitted a request to the Ohio Environmental Protection Agency (Ohio EPA) to use an alternative daily cover (ADC) material at its Brown County Landfill (Facility). Specifically, Rumpke requested to use black 4-mil Visquine manufactured by Poly-America Construction Sheeting (the Visquine material) in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b) which states, in part:

The director may approve alternative materials, other than solid waste, and/or other thicknesses for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the proposed alternative material and/or thickness provides protection that is comparable to six inches of soil and is protective of human health and the environment. . . .

Based on the information submitted, I have determined that the Visquine material has the potential to provide protection comparable to six inches of soil and has the potential to be protective of human health and the environment. Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(b), I hereby approve the use of the Visquine material as ADC at the Facility for a trial period of 180 days. As part of this approval, Rumpke is subject to the following conditions:

1. This approval is limited to the use of only black 4-mil Visquine manufactured by Poly-America Construction Sheeting at the Brown County Landfill. No other ADC material may be used at the Facility without prior approval from Ohio EPA.
  
2. This approval shall expire 180 days after its effective date. Rumpke shall not use the Visquine material as ADC at the Facility after that date unless it requests and receives approval from Ohio EPA for continued use of the material.

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



3. Rumpke shall place the Visquine material 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, rodents, and other vectors. The Visquine material shall be secured on all four sides by weights or other means necessary to keep the Visquine material in place.
4. If inclement weather conditions render the placement or use of the Visquine material ineffective or otherwise unsatisfactory, Rumpke 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, Rumpke may apply another ADC material that has been approved for use at the Facility, provided that the material is able to perform effectively under the inclement conditions.
5. If Rumpke determines that the Visquine material is ineffective or otherwise unsatisfactory under normal operating conditions, it shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, Rumpke may apply another ADC material that has been approved for use by Ohio EPA at the Facility. Rumpke shall verbally notify Ohio EPA's Southwest District Office and the Brown County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA's Southwest District Office within 14 calendar days. This notification is not necessary if the use of the Visquine material ceases on a temporary basis in accordance with Condition 4, above.
6. If Ohio EPA determines that the use of the Visquine material is ineffective or unsatisfactory under normal operating conditions, then permission to use it may be revoked by the Director of Ohio EPA. Immediately upon such revocation, Rumpke shall cease using the Visquine material at the Facility and shall revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, Rumpke may apply another ADC material that has been approved for use at the Facility.
7. Rumpke shall not cover more than 43,560 square feet (one acre) of waste with ADC material at any one time. This maximum area applies to the use of the Visquine material by itself or in combination with other ADC materials that have been approved for use at the Facility.
8. Rumpke shall not use the Visquine material as intermediate or final cover. Any solid waste disposal area that remains inactive for a period of seven days, and which has been covered with the Visquine material, 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. Prior to applying the soil cover, the Visquine material shall be removed or otherwise prepared as necessary prior to the placement of the next layer of waste so as not to impede the flow of leachate to the leachate management system.
9. Not later than 120 days after the effective date of this approval, Rumpke shall submit to Ohio EPA's Southwest District Office a report comparing the effectiveness of the Visquine material to conventional soil cover and other materials that have been used as ADC at the Facility. If, as provided in Condition 5 or 6, above, Rumpke ceases to use the Visquine material prior to the end of the 180-day trial period, then Rumpke shall submit

the report not later than 30 days after its use ceases. In either situation, the report shall contain a discussion of the following items:

- a. Number of days the Visquine material was used;
  - b. Weather conditions at the time the Visquine material was inspected;
  - c. Number of days odors were detected;
  - d. Presence of vectors, rodents, and insects;
  - e. Any increase in blowing litter; and
  - f. Method(s) for controlling fire during use of the Visquine material.
10. Photographs from at least two opposing sides of the working face shall be taken each time after the Visquine material has been applied. These photographs shall be included in the report required by Condition 9, above.
  11. Rumpke shall document the use and location of the Visquine material on the Municipal Solid Waste Disposal Facility Daily Log of Operations, Form 3. This document shall also include a map that shows where and when the Visquine material was used as ADC relative to the working face.
  12. Nothing in this approval shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This approval shall not be interpreted to release Rumpke 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 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 Ohio EPA 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. It must be filed with the Commission within 30 days after 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

In the event that Rumpke finds the Visquine material to be acceptable and wishes to continue its use, approval for on-going use of this material after the 180-day trial period is required. In order to avoid temporary discontinued use of the Visquine material, Ohio EPA recommends that Rumpke submit a request for continued use at least 45 days prior to the end of the trial period.

If you have any questions regarding this approval, please contact Russ Brown of Ohio EPA's Southwest District Office at (937) 285-6649.

Sincerely,

Christopher Jones  
Director

cc: Tracy Buchanan, DSIWM-SWDO  
Russ Brown, DSIWM-SWDO  
Brian Marlatt, DSIWM-SWDO  
Scott Hester, DSIWM-CO  
Stephen Dick, Brown County Health Department