



State of Ohio Environmental Protection Agency

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P.O. Box 1049
Columbus, Ohio 43216-1049

Board of Erie County Commissioners
2900 South Columbus Avenue
Sandusky, Ohio 44870

**Re: Erie County Landfill, Erie County
Alternative Daily Cover Approval**

Dear Commissioners:

On October 25, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received your written request for authorization to use contaminated soil as alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) at the Erie County Landfill (Facility) located in Erie County. Analytical data from testing the soil were included in the submittal to Ohio EPA.

OAC Rule 3745-27-19(F)(3)(a) states, "The director may approve solid waste to be used as an alternative material for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the solid waste material proposed for use can provide protection comparable to six inches of soil and is protective of human health and the environment. The owner or operator must obtain written approval to use solid waste for alternative daily cover prior to utilizing the solid waste."

Ohio EPA has reviewed the information contained in the request and the analytical data, and we have determined that the contaminated soil has the potential to function effectively as alternative daily cover material and provide protection comparable to six inches of soil as required by OAC Rule 3745-27-19(F)(3)(a). Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(a), I hereby authorize the owner or operator to use contaminated soil as alternative daily cover material at the Facility.

As part of this approval, the owner or operator is subject to the following conditions:

CONDITIONS

1. This approval only authorizes the owner or operator to use the contaminated soil, as specified in Condition Number 2, as alternative daily cover material at the Erie County Landfill. No other alternative daily cover material may be used at the Facility without prior

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

authorization from Ohio EPA.

2. The owner or operator shall use only contaminated soil from remediation activities at the Glidden Resin Facility located at 300 Sprowl Road, Huron, Ohio, as described in the request received by Ohio EPA on October 25, 2004.
3. The owner or operator shall place the contaminated soil 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.
4. If inclement weather conditions will render the placement or use of the contaminated soil ineffective or otherwise unsatisfactory, the owner or operator 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, the owner or operator may apply another alternative daily cover material that has been approved for use at the Facility, provided that it is able to perform effectively under the inclement conditions.
5. If the owner or operator determines that the contaminated soil is ineffective or otherwise unsatisfactory under normal operating conditions, the owner or operator shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, the owner or operator may apply another alternative daily cover material that has been approved for use by Ohio EPA at the Facility. The owner or operator 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 contaminated soil ceases on a temporary basis in accordance with Condition Number 4, above.
6. If Ohio EPA determines that the use of the contaminated soil is ineffective or unsatisfactory under normal operating conditions, then permission to use the material may be revoked upon written notification from the director of Ohio EPA. Immediately upon such revocation, the owner or operator shall cease to use the contaminated soil 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, the owner or operator may apply another alternative daily cover material that has been approved for use at the Facility.
7. The owner or operator shall not use the contaminated soil as intermediate or final cover. Any solid waste disposal area that remains inactive for a period of seven (7) days, and is covered with the contaminated soil, shall be covered with at least six (6) inches of conventional soil cover in accordance with OAC Rule 3745-27-19(F) by the end of the seventh day. Prior to applying the conventional soil cover, the contaminated soil shall be removed or otherwise prepared, as necessary, so as not to impede the flow of leachate to the leachate management system.

8. Appropriate state and local solid waste fees shall be applied to the contaminated soil, regardless of whether it is utilized as alternative daily cover material or disposed of in the working face.
9. Any contaminated soil brought to the Facility for disposal or use as alternative daily cover material shall be included in the Facility's authorized maximum daily waste receipt.
10. The use and location of the contaminated soil 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.
11. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This letter 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 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 (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 thirty (30) days after the notice of the director's action. A copy of the appeal must be served on the director within three (3) 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

If there are any questions regarding this authorization, please contact Mary Ann Miller of Ohio EPA, NWDO at (419) 373-3060.

Sincerely,

Joseph P. Koncelik
Director

MM/MM/sw

cc: Fred Dubbert, Erie County Landfill
Jack Meyers, Erie County Sanitary Engineer
David Miller, Erie County DOES Coordinator
Mary Ann Miller, DSWIM-NWDO
Scott Hester, DSIWM-CO