



State of Ohio Environmental Protection Agency

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Mr. Daniel Titus  
Browning-Ferris of Ohio, Inc  
43205 Oberlin-Elyria Rd.  
Oberlin, Ohio 44074

**Re: Lorain County II Landfill, Lorain County  
Alternative Daily Cover Approval**

Dear Mr. Titus:

On January 7, 2005, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a written request from Patrick Nortz, Environmental Manager, for approval to use a steelmaking waste (a mixture of venturi scrubber filter cake and blast furnace flue dust, hereafter referred to as Mixture) from Republic Technologies International (RTI) as alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) at the Lorain County II Landfill (Facility). Revisions to the request were received on March 3, 2005. Specifically, the request was for approval to continue to use the Mixture as alternative daily cover material beyond the one hundred eighty (180) day trial period previously authorized by Ohio EPA on September 7, 2004.

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

In the September 7, 2004 approval, Ohio EPA authorized the use of the Mixture generated from RTI as alternative daily cover material at the Facility for a one hundred eighty (180) day trial period. During this period, Ohio EPA, NEDO monitored the performance of the Mixture to determine its effectiveness and ability to function as alternative daily cover material. Additionally, as required by the September 7, 2004 authorization, the owner or operator submitted a report to Ohio EPA, NEDO detailing the performance of the Mixture as daily cover during the trial period.

Based on the results of Ohio EPA's monitoring and the information contained in the aforementioned report, Ohio EPA has determined that the Mixture functioned effectively as alternative daily cover material at the Facility. Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(a), I hereby authorize the owner or operator to use the Mixture as alternative daily cover material at the Facility on an on-going basis.

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

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 Mixture, as specified in Condition Number 2, as alternative daily cover material at the Lorain County II Landfill. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall use only the Mixture from RTI, as described in the request received by Ohio EPA on January 7, 2005, with revisions received on March 3, 2005, as alternative daily cover material at the Facility.
3. The owner or operator shall place the Mixture over exposed waste materials by the end of the working day, or more frequently as necessary, to control fire hazards, blowing litter, odors, dust, insects, and rodents.
4. If inclement weather conditions render the placement or the use of the Mixture 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 the alternative daily cover material is able to perform effectively under the inclement conditions.
5. If the owner or operator determines that the Mixture 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 at the Facility. The owner or operator shall verbally notify Ohio EPA, NEDO and the Lorain County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA, NEDO and the Lorain County Health Department within fourteen (14) calendar days. This notification is not necessary if use of the Mixture ceases on a temporary basis in accordance with Condition Number 4, above.
6. If Ohio EPA or the Lorain County Health Department determines that the Mixture is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use the Mixture may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, the owner or operator shall cease using the Mixture as alternative daily cover 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. All stockpiles or storage areas for the Mixture shall be located within the current phase of operation and runoff from any waste stockpile or storage area shall be managed as leachate. Any water that comes into contact with the Mixture, either during use as alternative daily cover material or during storage, shall be directed into the leachate collection system.
8. The Mixture 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 that has been covered with the Mixture shall be covered with at least six (6) inches of soil in accordance with OAC Rule 3745-27-19(F) by the end of the seventh day.
9. The use and location of the Mixture as alternative daily cover material shall be documented on the required Municipal Solid Waste Landfill Daily Log of Operations, Form 3 each day it is used as alternative daily cover material.
10. The owner or operator shall collect and remit the applicable state and local solid waste disposal, management, and/or district generation fees for any Mixture that is received at the Facility.
11. Any Mixture brought to the Facility for disposal or use as alternative daily cover material shall be counted toward the Facility's authorized maximum daily waste receipt.
12. Any Mixture placed on the working face for disposal shall be covered with conventional soil daily cover or another alternative daily cover material approved for use at the Facility by the end of the working day.
13. 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.

#### **END OF CONDITIONS**

You are hereby notified that this action of the Director 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. The appeal must be filed with the Commission within thirty (30) days after

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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 you have any questions regarding this approval, please contact Clarissa Gereby of Ohio EPA, NEDO at (330) 963-1224.

Sincerely,

Joseph P. Koncelik  
Director

JPK/JS/sw

cc: John Sabo, Lorain County Health Department  
Clarissa Gereby, Ohio EPA, DSIWM-NEDO  
Murat Tukul, Ohio EPA, DSIWM-NEDO  
Scott Hester, Ohio EPA, DSIWM-CO