

# OHIO ENVIRONMENTAL PROTECTION AGENCY

## PERMIT TO INSTALL

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Application Number: 02-12954  
Application Received: March 31, 1999  
Permit Fee: \$80,000.00  
Permit Fee Balance: \$79,600.00

Applicant: American Landfill, Inc., Waste Management Company  
Address: 7916 Chapel Street S.E.  
City, State, Zip: Waynesburg, Ohio 44688

Name: American Landfill, Inc.  
Location: 7916 Chapel Street, S.E., Waynesburg, Ohio, approximately 2.75 miles north of Waynesburg on SR-44.  
PTI: Lateral and Vertical Expansion

Issuance Date:

Effective Date:

The above-named entity is hereby issued a permit approval (permit to install) for the above-described source pursuant to Ohio Administrative Code (OAC) Rule 3745-27-02. Issuance of this permit approval does not constitute expressed or implied approval or agreement that, if constructed and/or modified in accordance with the plans, specifications, and/or information accompanying the permit application, the above-described source of environmental pollutants will operate in compliance with applicable state and federal laws, rules, and regulations, and does not constitute expressed or implied assurances that if constructed and/or modified in accordance with those plans, specifications, and/or information accompanying the permit application, the above-described source of environmental pollutants will be granted the necessary operating permits and/or licenses. This permit approval is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Ohio Environmental Protection Agency

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Joseph P. Koncelik, Director

## PERMIT SUMMARY

This permit approval (PTI Number 02-12954) authorizes the vertical and lateral expansion of the approved limits of waste placement, previously specified in PTI Number 02-5875, issued May 15, 1996, at the American Landfill, Inc. (Facility), a municipal solid waste disposal facility located in Stark County. American Landfill, Inc., Waste Management Company (ALI) is both the owner and operator of the Facility.

This permit approval authorizes a 160.2-acre lateral expansion and a 178.3-acre vertical expansion, equaling an additional 84,401,358 cubic yards of capacity. As a result, the total acreage of the Facility will consist of 395.8 acres, and total approved capacity is 124,606,542 cubic yards. Based on the Facility's authorized maximum daily waste receipt (AMDWR) of 15,000 tons, the anticipated life of the Facility will be about 18 years; based on its average disposal rate, the anticipated life of the Facility will be about 49.8 years.

All areas of proposed expansion have been designed with a composite liner system (including a separatory liner system in the area of vertical expansion), a leachate collection system, a surface water management system, a ground water monitoring system, and an explosive gas monitoring system. The permit also incorporates 30 years of post-closure care and financial assurance for closure and post-closure care.

The Facility expansion will be located within 200 feet of two wetlands. As a result, ALI has proposed alternative setbacks, and this permit approves a variance, pursuant to Ohio Revised Code (ORC) Section 3734.02(A), from the siting criterion in OAC Rule 3745-27-07(H)(4)(d), which requires that the limits of solid waste placement not be located within 200 feet of areas determined by the Ohio Environmental Protection Agency (Ohio EPA) and the Army Corps of Engineers (ACOE) to be a stream, lake, or wetland. ALI has obtained approval from Ohio EPA and ACOE to partially fill these wetlands and intends to maintain them in their current locations and take measures to improve their function.

In addition, the Facility will be located above an unconsolidated aquifer system capable of sustaining a yield of 100 gallons per minute (gpm) for a 24-hour period to an existing or future water supply well located within 1000 feet of the limits of waste placement. However, ALI proposes to remove sand lenses connected to the aquifer and then backfill the area with added geologic material, thus eliminating the potential connection to the 100 gpm unconsolidated aquifer within the facility boundary. Therefore, this permit also approves an exemption, pursuant to ORC Section 3734.02(G), from the siting criterion in OAC Rule 3745-27-07(H)(2)(d).

This summary is provided solely for informational purposes and does not constitute a part of, or otherwise affect, the attached permit-to-install.

### **PERMIT CONDITIONS**

1. The director, or an authorized representative, may enter upon the premises of the above-named applicant (permittee) at any reasonable time during construction and operation for the purpose of making inspections, conducting tests, or examining records or reports pertaining to the construction, modification, or installation of the above-described source of environmental pollutants (municipal solid waste disposal facility).
2. The proposed facility shall be constructed in strict accordance with the plans, specifications, and information submitted as part of the application for this permit approval. There may be no deviation from the approved plans without the express, written approval of the Ohio Environmental Protection Agency (Ohio EPA). Any deviation from the approved plans or the permit conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional landfill components shall be installed upon orders of Ohio EPA if the proposed municipal solid waste disposal facility is inadequate or cannot meet applicable standards.
3. Issuance of this permit approval does not relieve the permittee of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
4. This permit approval shall apply only to those facilities shown on the plans submitted as part of PTI Application Number 02-12954, as received on March 31, 1999, and subsequent revisions.
5. This permit approval may be modified, or alternatively revoked and reissued, to comply with any revisions to OAC Chapter 3745-27 applicable to this municipal solid waste disposal facility.
6. The permittee shall provide for the proper maintenance and operation of the municipal solid waste disposal facility in accordance with the provisions of OAC Chapter 3745-27.
7. Nothing in this permit approval shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations except as specified herein. This permit approval shall not be interpreted to

release the permittee from responsibility under 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.

8. This permit approval does not authorize the acceptance of any hazardous or infectious wastes, except for those excluded from hazardous or infectious waste regulation by ORC Chapter 3734.
9. This permit approval does not authorize the acceptance of any asbestos or asbestos-containing waste material that is subject to the provisions of NESHAP, 40 CFR Part 61, Subpart M. No such asbestos or asbestos-containing waste material may be accepted without first obtaining the necessary permits from Ohio EPA.
10. Ohio EPA, Northeast District Office (NEDO) and the Stark County Health Department shall be notified in writing of the construction starting date no later than seven (7) days prior to the start of any construction on each of the Facility's phases authorized under this permit approval, so that construction of this Facility can be routinely inspected by Ohio EPA, NEDO and the Stark County Health Department before the phases are placed into operation.
11. During installation of permanent gas probes, the permittee shall verify that the permanent probes are not installed into ground water. If water is encountered at elevations higher than the proposed probe depths, the probe(s) shall be installed above the ground water elevation.
12. Not later than sixty (60) days after the effective date of this permit approval, the permittee shall submit a sampling and analysis plan for monitoring the discharge from all underdrains. The sampling and analysis plan shall contain provisions for semi-annual sampling for potential leachate-derived constituent indicator parameters which shall be performed concurrently with the semi-annual ground water detection monitoring required by OAC Rule 3745-27-10(D). The sampling and analysis plan shall contain appropriate sampling protocol, including but not limited to the following:
  - a. sample acquisition;
  - b. analytical laboratory methodology;
  - c. sample containers;

- d. handling, preservation, and holding time;
  - e. an explanation of data evaluation, including but not limited to how the analytical results of the underdrain samples will be properly evaluated using an appropriate methodology for determining whether ground water discharged by the underdrains has been impacted by leachate-derived constituents;
  - f. provisions for laboratory data reports and a data evaluation summary to be submitted to Ohio EPA concurrently with the semi-annual ground water detection monitoring report in accordance with OAC Rule 3745-27-10(C)(10).
13. The permittee shall provide for the following inspections and facility maintenance:
- a. The permittee shall provide for daily inspection of the disposal facility and completion of the daily inspection checklist and the Municipal Solid Waste Landfill Daily Log of Operations, Form 3. Written results of the inspections, including any corrective measures employed, shall be made available to Ohio EPA and the Stark County Health Department upon request.
  - b. Surface water control structures, including sedimentation ponds, sedimentation pond discharge structures, pipes, ditches, and culverts, shall be inspected at least monthly for erosion, clogging, or failure, and prompt corrective action shall be taken, if necessary. Written results of the inspections, including a discussion of any corrective actions taken, any water quality samples taken, and the date and weather conditions, shall be recorded on the required daily log forms. The information shall be maintained on site and submitted to Ohio EPA, NEDO and the Stark County Health Department, upon request.
  - c. To ensure proper operation of sedimentation ponds, the ponds shall be cleaned out completely annually, or more frequently as necessary when the volume of the settled particles necessitates cleaning based either on inspection results or to maintain the storage volume required by OAC Rule 2745-27-08(D)(3).
14. Prior to waste acceptance in any disposal area newly authorized by this permit approval, the permittee shall execute and fund a financial assurance instrument

meeting the requirements of OAC Rules 3745-27-15, 3745-27-16, and 3745-27-17.

15. In accordance with OAC Rule 3745-27-10(B)(5), the owner or operator shall, at least annually, evaluate the ground water surface elevation data to determine whether the requirements of OAC Rule 3745-27-10(B) for locating the monitoring wells continue to be satisfied. If the evaluation shows that the requirements of paragraph (B) are no longer satisfied, the permittee shall immediately revise the number, location, and/or depth of the monitoring wells to bring the ground water monitoring system into compliance with these requirements.
16. Pursuant to ORC Sections 3745.11(Q) and (V), payment of the solid waste permit-to-install fee balance, in the amount of \$79,600.00 payable to "Treasurer, State of Ohio," shall be submitted to Ohio EPA, Attn: Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049. The fee balance shall be submitted within thirty (30) days of the effective date of this permit approval. Failure to timely submit the required permit fee balance will result in assessment of late penalties in accordance with ORC Sections 3745.11(Q) and (V).

**END OF PERMIT CONDITIONS**

### **ORC Section 3734.02(A) Variance from Siting Criterion**

The permittee has requested an exemption from OAC Rule 3745-27-07(H)(4)(d), which requires that the limits of solid waste placement of a sanitary landfill facility not be located within 200 feet of areas determined by Ohio EPA or the United States Army Corps of Engineers (ACOE) to be a stream, lake, or wetland.

Two separate and distinct wetlands are currently located within 200 feet of the Facility's proposed limits of waste placement. These two wetlands will be partially filled as outlined in the ALI ACOE 404 permit application and the Ohio EPA 401 Water Quality Certification (WQC). ALI has proposed alternative setbacks to the two wetlands of 135 and 178 feet and intends to maintain the wetlands in their current locations and take measures to improve their function.

Pursuant to ORC Section 3734.02(A), the director may, by order, grant a variance if the applicant demonstrates to the director's satisfaction that construction and operation of the solid waste facility in the manner allowed by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or a hazard to the public health or safety or the environment.

Because the permittee has obtained Ohio EPA approval for the ALI 401 WQC on February 18, 2004, and a 404 ACOE permit dated June 16, 2005, and because ALI intends to maintain the wetlands in their current locations and take measures to improve their function, granting a variance from OAC Rule 3745-27-07(H)(4)(d) will not create a nuisance or a hazard to the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(A), ALI is hereby granted a variance from the prohibition of locating the limits of solid waste placement of a sanitary landfill facility within 200 feet of the above mentioned wetlands, provided ALI complies with the alternative setbacks proposed in the variance request.

### **ORC Section 3734.02(G) Exemption from Siting Criterion**

The permittee has requested an exemption from OAC Rule 3745-27-07(H)(2)(d), which requires that a sanitary landfill facility not be located above an unconsolidated aquifer system capable of sustaining a yield of 100 gallons per minute (gpm) for a 24-hour period to an existing or future water supply well located within 1000 feet of the limits of solid waste placement of the sanitary landfill facility.

Sand lenses, which may be connected to an aquifer capable of sustaining a yield of 100 gpm for a 24-hour period to an existing or future water supply well located within 1000 feet, exist in areas within the proposed Facility boundary. The permittee is proposing to remove these sand lenses prior to construction of Phase II of the proposed sanitary landfill expansion area. The excavation will then be backfilled with added geologic material (AGM) to meet the requirements specified in OAC Rule 3745-27-07(H)(2)(e) or with structural fill soil to meet a permeability of  $1 \times 10^{-6}$  cm/sec.

Pursuant to ORC Section 3734.02(G), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid wastes that consist of scrap tires, 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 or license or comply with other requirements of ORC Chapter 3734.

Because the sand lenses do not exist under the solid waste footprint of Phase I of the proposed expansion, and because the permittee proposes to remove the sand lenses prior to constructing Phase II of the proposed expansion, and because the sand lenses do not exist under the footprint of the existing landfill facility, and because removal of these sand lenses will eliminate the potential connection to the 100 gpm unconsolidated aquifer within the Facility boundary, granting an exemption from OAC Rule 3745-27-07(H)(2)(d) is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G), the permittee is hereby exempted from OAC Rule 3745-27-07(H)(2)(d), which requires that a sanitary landfill facility not be located above an unconsolidated aquifer system capable of sustaining a yield of 100 gpm for a 24-hour period to an existing or future water supply well located within 1000 feet of the limits of solid waste placement of the sanitary landfill facility, provided ALI complies with the permit.