



State of Ohio Environmental Protection Agency

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Mr. Keith Kimble
Kimble Sanitary Landfill
3596 St. Rt. 39 NW
Dover, Ohio 44622

**Re: Kimble Sanitary Landfill, Tuscarawas County
Alternative Daily Cover Material Temporary Approval**

Dear Mr. Kimble:

On July 5, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southeast District Office (SEDO) received your request for authorization to use Mittal sludge from the ISG Cleveland Plant as alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(a) at the Kimble Sanitary Landfill (Facility) in Tuscarawas County.

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 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 recognizes that Mittal sludge has the potential to provide protection comparable to six (6) inches of soil as required by OAC Rule 3745-27-19(F). Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(a), I hereby authorize Kimble Sanitary Landfill to use the Mittal sludge from the ISG Cleveland Plant as an alternative to six inches of soil for daily cover at the Facility for a trial period to end 180 days from the effective date of this authorization.

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

CONDITIONS

1. This authorization is limited to the use of only Mittal sludge from the ISG Cleveland Plant at the Kimble Sanitary Landfill (Facility). No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall place a minimum of six inches of Mittal sludge over exposed waste materials by the end of the working day, or more frequently if necessary,

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

to control fire hazards, blowing litter, odors, dust, insects, and rodents. Prior to placing the next layer of waste, the Mittal sludge shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system.

3. If inclement weather conditions render the placement or use of the Mittal sludge 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.
4. If the owner or operator determines that the Mittal sludge 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, SEDO and the Tuscarawas County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA, SEDO and the Tuscarawas County Health Department within 14 calendar days. This notification is not necessary if the use of the Mittal sludge ceases on a temporary basis in accordance with Condition Number 3, above.
5. If Ohio EPA or the Tuscarawas County Health Department determines that the use of the Mittal sludge is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use the Mittal sludge may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, the owner or operator shall cease using Mittal sludge as an 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.
6. The Facility shall not have more than 30,000 square feet of waste covered with alternative daily cover material at any one time. This maximum area applies to the use of Mittal sludge alone or in combination with other alternative daily cover materials that the Director has authorized for use at the Facility.
7. The owner or operator shall not use Mittal sludge 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 Mittal sludge, 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 Mittal sludge shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system.

8. Not later than 120 days after the effective date of this authorization, the owner or operator shall submit to Ohio EPA, SEDO a report comparing the effectiveness of the Mittal sludge to conventional soil cover and other alternative daily cover materials that have been used at the Facility. If, as provided in Condition Number 4 or Condition Number 5, above, the owner or operator ceases to use the Mittal sludge prior to the end of the 180 day trial period, then the report shall be due not later than 30 days after use ceases. In either situation, the report shall contain, at a minimum, a discussion of the following items:
 - the number of days the material was used
 - weather conditions at the time placement of the material was evaluated for effectiveness as daily cover
 - number of days odors were detected
 - presence of vectors, rodents, and insects
 - any increase in blowing litter
 - method(s) for controlling fire during use of alternative daily cover material
9. Photographs from at least two opposing sides of the working face shall be taken of the working face each day that the Mittal sludge has been applied. At least four such series of photographs shall be included in the report required by Condition Number 8, above, for the Mittal sludge used during the trial period. If the Mittal sludge was used for fewer than four days during the trial period, the owner or operator shall include the photographs for each day the Mittal sludge was used in the report required by Condition Number 8, above.
10. The use and location of the Mittal sludge 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.
11. This authorization to use Mittal sludge shall expire 180 days after its effective date. The owner or operator shall not use the Mittal sludge as alternative daily cover material at the Facility after that date, unless the owner or operator requests and receives approval for continued use of the material.
12. Nothing in this letter 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 the owner or operator or others 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. It must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. A copy of the appeal must be served on the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. 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 the owner or operator finds the use of Mittal sludge to be acceptable and wishes to continue using the material as alternative daily cover at the Facility, authorization for on-going use beyond the 180-day trial period is required. To avoid having to temporarily discontinue the use of the Mittal sludge, Ohio EPA recommends that a request for continued authorization be submitted at least 45 days prior to the end of the 180-day trial period.

If you have any questions regarding this authorization, please contact Dale Warner of Ohio EPA, SEDO at (740) 380-5435.

Sincerely,

Joseph P. Koncelik
Director

cc: Dale Warner, DSIWM-SEDO
Scott Hester, DSIWM-CO
Roger Fanning, Tuscarawas County Health Department