



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

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

October 17, 2006

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

Re: Alternative Daily Cover, Erie County Landfill

Dear Commissioners:

On March 30, 2006, the Division of Solid and Infectious Waste Management (DSIWM) at Ohio EPA's Northwest District Office (NWDO) received your written request for authorization to use lime kiln dust (LKD) as an alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) at the Erie County Landfill (Facility). LKD from Huron Lime, Inc., located in Huron, Ohio was sampled on December 1, 2004 and results were submitted to Ohio EPA, NWDO, on June 12, 2006. Ohio EPA, NWDO has LKD sampling data on file from many previous sampling events. These samples represent the material that is generated from air pollution control equipment at the lime kiln plant.

OAC Rule 3745-27-19(F)(3)(a) states, "[t]he 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 recognizes that LKD 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), I hereby authorize the owner or operator to use LKD as alternative daily cover material at the Facility. This approval is subject to the following conditions:

CONDITIONS

1. This authorization is limited to the use of only LKD from Huron Lime, Inc., located in Huron, Ohio as alternative daily cover material at the Facility. LKD shall be consistent with the waste characterization profile included in the March 30, 2006, submittal and the sampling results submitted on June 12, 2006. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

2. The owner or operator shall place LKD 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. Prior to placing the next layer of waste, LKD 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 LKD 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 LKD is ineffective or otherwise unsatisfactory, 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 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 LKD ceases on a temporary basis in accordance with Condition Number 3.
5. If Ohio EPA determines that the use of LKD is ineffective or unsatisfactory, 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 LKD 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.
6. LKD shall not be used as intermediate or final cover. Any solid waste disposal area which remains inactive for a period of seven (7) days and which has been covered with LKD 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.
7. Appropriate state and local solid waste fees shall be applied to LKD, regardless of whether it is utilized as alternative daily cover material or disposed of in the working face.

8. The use of LKD as alternative daily cover shall be documented on the required Municipal Solid Waste Landfill Daily Log of Operations - Form 3 on each day it is used as alternative daily cover material.
9. 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.

You are hereby notified that this action of the Director 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. The appeal 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. Notice of the filing of the appeal shall be filed with 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 Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, OH 43215

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

Sincerely,

Joseph P. Koncelik
Director

JPK/MAM/MG/sw

cc: Fred Dubbert, Erie County Landfill
Jack Meyers, Erie County Sanitary Engineer
David Miller, Erie County DOES Coordinator
Mary Ann Miller, Ohio EPA, NWDO