



State of Ohio Environmental Protection Agency

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Mr. Paul Flory, Esq.
Environmental Compliance Manager
Solid Waste Authority of Central Ohio
4239 London-Groveport Road
Grove City, OH 43123

**Re: Franklin County Landfill, Franklin County
Alternative Daily Cover Material Temporary Approval
ProGuard SB and Posi-Shell Advanced Formulation**

Dear Mr. Flory:

On September 5, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Central District Office (CDO), received your written request to use alternative daily cover materials in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) at the Franklin County Landfill (Facility). Specifically, you requested to use both ProGuard Single Bag (ProGuard SB) and Posi-Shell Advanced Formulation (Posi-Shell) as alternative daily covers.

OAC Rule 3745-27-19(F)(3)(b) states, "The director may approve alternative materials, other than solid waste, and/or other thicknesses for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the proposed alternative material and/or thickness provides protection that is comparable to six inches of soil and is protective of human health and the environment."

Ohio EPA recognizes that ProGuard SB and Posi-Shell have 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)(b), I hereby authorize the owner or operator of the Franklin County Landfill to use ProGuard SB and Posi-Shell as an alternative to six (6) inches of soil for daily cover at the Facility for a trial period of one hundred eighty (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:

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

CONDITIONS

1. This authorization is limited to the use of ProGuard SB and Posi-Shell only at the Facility. The owner or operator shall provide written notification to the Franklin County Health Department and Ohio EPA, CDO of the date of the first application of each material. No other alternative daily cover may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall place ProGuard SB or Posi-Shell over exposed waste materials at the end of the working day, or more frequently if necessary, to control fire hazards, blowing litter, odors, dust, insects and rodents. The alternative daily cover shall be applied from different directions and at a rate such that all waste materials are completely covered. Prior to placing the next layer of waste, the ProGuard SB or Posi-Shell shall be removed or otherwise prepared as necessary prior to placement of the next layer of waste 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 ProGuard SB or Posi-Shell 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 ProGuard SB or Posi-Shell is ineffective under normal operating conditions, the owner or operator shall immediately revert to using conventional soil cover in accordance with OAC 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, CDO and Franklin County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA and Franklin County Health Department not later than fourteen (14) calendar days after the action has been taken. This notification is not necessary if the use of the ProGuard SB or Posi-Shell ceases on a temporary basis in accordance with Condition Number 3, above.
5. If Ohio EPA or Franklin County Health Department determines that the use of ProGuard SB or Posi-Shell is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use one or both materials may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, the owner or operator shall cease using ProGuard SB or Posi-Shell 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 authorized for use by Ohio EPA at the Facility.
6. Not later than 120 days after the effective date of this authorization, the owner or operator shall submit a report to Ohio EPA, CDO comparing the effectiveness of both ProGuard SB and Posi-Shell to conventional soil cover and other alternative daily covers that are currently in use

at the Facility. The report shall contain a discussion of the following items:

- a. the number of days each material was used,
 - b. weather conditions at the time placement of the material was evaluated for effectiveness as daily cover,
 - c. number of days odors were detected,
 - d. presence of vectors, rodents, and insects,
 - e. any increase in blowing litter, and
 - f. method(s) for controlling fire during use of alternative daily cover material.
7. The use of ProGuard SB or Posi-Shell shall be documented on the required Municipal Solid Waste Landfill Daily Log of Operations, Form 3 each day either is used as alternative daily cover material.
 8. This authorization to use ProGuard SB and Posi-Shell shall expire 180 days after its effective date. The owner or operator shall not continue to use the ProGuard SB or Posi-Shell after this date unless the report submitted as required by Condition Number 6 is submitted and authorization for continued use of the material is received.
 9. The ProGuard SB or Posi-Shell 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 ProGuard SB or Posi-Shell 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.
 10. Photographs from at least two opposing sides of the working face shall be taken of the working face each day that the ProGuard SB or Posi-Shell has been applied. At least four such series of photographs shall be included in the report required by Condition Number 6, above, for the ProGuard SB or Posi-Shell used during the trial period. If the ProGuard SB or Posi-Shell was used for fewer than four days during the trial period, the owner or operator shall include the photographs, for each day the ProGuard SB or Posi-Shell was used, in the report required by Condition Number 6, above.
 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 approval shall not be interpreted to release the owner or operator from responsibility under Ohio Revised Code 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 pursuant to Section 3745.04 of the Ohio Revised Code.

Mr. Paul Flory, Esq.
Solid Waste Authority of Central Ohio
Page 4 of 4

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, Ohio 43215

In the event that the owner or operator finds the use of ProGuard SB or Posi-Shell to be acceptable and wishes to continue using either 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 these materials, Ohio EPA recommends that you submit a request for continued use at least 45 days prior to the end of the 180 day trial period.

If you have any questions regarding this authorization, please contact Phil Farnlacher of Ohio EPA, CDO at (614) 728-3890.

Sincerely,

Chris Korleski
Director

cc: Phil Farnlacher, DSIWM/CDO
Scott Hester, DSIWM/CO
Jeff Grose, Franklin County Health Department