



State of Ohio Environmental Protection Agency

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July 22, 2008

Browning-Ferris Industries of Ohio, Inc.  
Mr. Chris Jaquet  
Environmental Manager  
43502 Oberlin-Elyria Rd.  
Oberlin, Ohio 44074

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

Dear Mr. Jaquet:

On May 2, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Northeast District Office (NEDO), Division of Solid and Infectious Waste Management (DSIWM) received a written request for authorization to use an alternative daily cover (ADC) material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) at the Lorain County II Landfill (Facility) located in Lorain County.

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."

Specifically, the owner or operator requested to use bottom ash generated at the Lorain Hot Rolled Bar Plant (Republic) in Lorain and the Avon Lake Generating Station (Reliant) in Avon Lake as ADC material at the Facility. Bottom ash has been approved to be used as ADC material at other solid waste landfill facilities in Ohio. Based on the performance of the material at these other facilities, and after reviewing the request, Ohio EPA has determined that the bottom ash can function effectively as ADC material and provide protection comparable to six inches of soil as required by OAC Rule 3745-27-19(F)(3)(b). Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(b), I hereby authorize the owner or operator to use bottom ash generated at Republic and Reliant at the Facility.

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

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

## CONDITIONS

1. This approval only authorizes the owner or operator to use bottom ash as specified in Condition Number 2 as alternative daily cover material.
2. The owner or operator shall use only the bottom ash generated at the Lorain Hot Rolled Bar Plant (Republic) in Lorain and the Avon Lake Generating Station (Reliant) in Avon Lake as ADC material at the Lorain County II Landfill, as described in the request received by Ohio EPA on May 2, 2008. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.
3. Not later than seven days prior to initial use of the bottom ash as alternative daily cover material at the Facility, the owner or operator shall send written notification of the anticipated start date to Ohio EPA, NEDO.
4. The owner or operator shall place bottom ash 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, bottom ash shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system.
5. If inclement weather conditions will render the placement or use of bottom ash 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 ADC material that has been approved for use at the Facility, provided that it is able to perform effectively under the inclement conditions.
6. If the owner or operator determines that bottom ash 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 ADC material that has been approved for use by Ohio EPA at the Facility. The owner or operator shall verbally notify Ohio EPA, NEDO of this action by the end of the next working day and shall submit written notification to Ohio EPA, NEDO within fourteen (14) calendar days. This notification is not necessary if the use of bottom ash ceases on a temporary basis in accordance with Condition Number 5, above.
7. If Ohio EPA determines that the use of bottom ash is ineffective or otherwise unsatisfactory under normal operating conditions, 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 bottom ash as ADC 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 ADC material that has been approved for use at the Facility.

8. The owner or operator shall not use the bottom ash as intermediate or final cover. Any solid waste disposal area that remains inactive for a period of seven (7) days, and which has been covered with bottom ash, 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. All stockpiles or storage areas for the bottom ash shall be located within the current phase of operation. Any water that comes into contact with the bottom ash either during use as alternative daily cover material or during storage shall be directed into the leachate collection system.
10. The use and location of bottom ash shall be documented on the required Daily Log of Operations, Form 3 on each day it is used as ADC material. This documentation shall also include a map that shows where and when bottom ash was utilized as ADC material relative to the working face.
11. Nothing in this letter shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations. This letter shall not be interpreted to release the owner or operator 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.

You are hereby notified that this action of the Director of Ohio EPA (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 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 Appeal Commission at the following address:

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

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

Sincerely,

Chris Korleski  
Director

cc: Kurt Princic, DSIWM, NEDO  
Alvie Green, Site Manager  
John Sabo, Lorain County Health Department  
Scott Hester, DSIWM-CO  
Clarissa Gereby, DSIWM-NEDO