



State of Ohio Environmental Protection Agency

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

**Re: Franklin County Sanitary Landfill, Franklin County  
Temporary Alternative Daily Cover Approval – Posi-Shell 30 Day Trial**

Dear Mr. Flory:

On October 14, 2008, Franklin County Sanitary Landfill (Facility) was authorized to use Posi-Shell Advanced Formulation (Posi-Shell) as alternative daily cover material pursuant to Ohio Administrative Code (OAC) 3745-27-19(F)(3)(b). Under that authorization, any solid waste area that remains inactive for a period of seven (7) days shall be covered with at least six (6) inches of soil in accordance with OAC 3745-27-19(F).

On August 19, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Central District Office (CDO) received your written request to keep the Posi-Shell in place as alternative daily cover material for a period not to exceed thirty (30) days in accordance with OAC Rule 3745-27-19(F)(3) at the Facility.

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 Posi-Shell has the ability to provide protection comparable to six (6) inches of soil as required by OAC Rule 3745-27-19(F) for a period of up to 7 days. Additionally, Ohio EPA has determined that Posi-Shell has the potential to provide protection comparable to six (6) inches of soil for a longer time period. 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 Posi-Shell as an alternative daily cover material for a period not to exceed thirty (30) days at the Facility during a trial period of one hundred eighty (180) days from the effective date of this authorization.

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

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 Posi-Shell as alternative daily cover material for a period not to exceed thirty (30) days at the Facility. No additional alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall place Posi-Shell over exposed waste materials at the end of each 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 Posi-Shell shall be removed or otherwise prepared as necessary so as to not impede the flow of leachate to the leachate management system.
3. If inclement weather conditions render the placement or use of the 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 Posi-Shell 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 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 the Franklin County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA, CDO within fourteen (14) calendar days. This notification is not necessary if the use of Posi-Shell ceases on a temporary basis in accordance with Condition Number 3, above.
5. If Ohio EPA determines that the use of Posi-Shell is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use this material may be revoked upon written notification from the Director of Ohio EPA. Immediately upon such revocation, the owner or operator shall cease using 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 approved for use at the Facility.
6. The owner or operator shall not use Posi-Shell as intermediate, transitional, or final cover. Any solid waste area that remains inactive for a period of thirty (30) days, and which has been covered with Posi-Shell, shall be covered with at least twelve (12) inches of soil in accordance with OAC Rule 3745-27-19(G) by the end of the thirtieth day. The owner or operator shall conduct daily inspections to determine the effectiveness of Posi-Shell as alternative daily cover

material and shall document these inspections on the Municipal Solid Waste Landfill Daily Log of Operations – Form 3 each day that Posi-Shell is used as daily cover.

7. 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 using Posi-Shell to conventional soil cover when the cover materials are left in place for longer than 7 days at the Facility. The report shall contain a discussion of the following items:
  - a. the number of days that Posi-Shell was left in place for longer than 7 days,
  - b. weather conditions at the time of placement of the Posi-Shell,
  - c. number of days odors were detected between 7 days and 30 days after placement of each application,
  - d. the presence of vectors, rodents, and insects,
  - e. any increase in blowing litter detected between 7 days and 30 days after placement of each application,
  - f. methods for controlling fire during use of Posi-Shell,
  - g. any increase or decrease in the amount of erosion as compared to areas with conventional soil cover.
8. This authorization to use Posi-Shell as alternative daily cover material, and to leave it in place for a period not to exceed 30 days, shall expire 180 days after its effective date. The owner or operator shall not continue to use Posi-Shell for a period longer than seven days unless authorization for continued use of the material is received.
9. 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 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.

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 pursuant to Section 3745.04 of the Ohio Revised Code. 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 the 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

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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

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

Sincerely,

Chris Korleski  
Director

CK/KM/sw

cc: Duane Snyder, DSIWM/CDO  
Jeff Grose, Franklin County Health Department