



State of Ohio Environmental Protection Agency

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March 20, 2009

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
Alternative Daily Cover Material Temporary Approval
Topcoat Daily Landfill Cover**

Dear Mr. Flory:

On December 5, 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 utilize an alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) at the Franklin County Sanitary Landfill (Facility). Specifically, you requested to use Topcoat Daily Landfill Cover material (Topcoat) manufactured by Central Fiber Corporation.

OAC Rule 3745-27-19(F)(3)(b) states, "The director may approve alternative materials, other than solid waste, or other thicknesses for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the proposed alternative material 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 Topcoat 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)(b), I hereby authorize the owner or operator of the Franklin County Sanitary Landfill to use Topcoat as an alternative 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:

CONDITIONS

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

1. This authorization is limited to the use of Topcoat 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 this material. 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 Topcoat 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 Topcoat 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 Topcoat 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 Topcoat 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 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 Topcoat ceases on a temporary basis in accordance with Condition 3.
5. If Ohio EPA or the Franklin County Health Department determines that the use of Topcoat 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 Topcoat 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. Not later than one hundred twenty (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 Topcoat 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 that Topcoat was used,
 - b. weather conditions at the time of placement of Topcoat,
 - c. number of days odors were detected,
 - d. the 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 Topcoat 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.

8. This authorization to use Topcoat as alternative daily cover shall expire one hundred eighty (180) days after its effective date. The owner or operator shall not continue to use Topcoat after this date unless the report required by Condition 6 is submitted and authorization for continued use of the material is received.
9. Topcoat 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 Topcoat 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 each day that Topcoat has been applied. At least four such series of photographs shall be included in the report required by Condition 6 during the trial period. If the Topcoat was used for fewer than four (4) days during the trial period, the owner or operator shall include the photographs for each day the Topcoat was used in the report required by Condition 6.
11. Nothing in this approval 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 the 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 of Ohio EPA (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 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 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 Topcoat 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. 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's Central District Office at (614) 728-3890.

Sincerely,

Chris Korleski
Director

c: Duane Snyder, DSIWM/CDO
Jeff Grose, Franklin County Health Department
Scott Hester, DSIWM/CO

CK/PF/nsm Franklin County Topcoat Temporary ADC Approval