



State of Ohio Environmental Protection Agency

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

June 8, 2009

Mayor David Raizk
City of Wilmington
397 North South Street
Wilmington, Ohio 45177

Re: Wilmington Sanitary Landfill, Clinton County Alternative Daily Cover Material Temporary Approval
LandPac 20 Mil Coated Woven Polypropylene Tarp

Dear Mayor Raizk:

On March 17, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO) received a written request for authorization to use an alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) at the Wilmington Sanitary Landfill (Facility) located in Clinton County. 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."

Specifically, the owner or operator requested to use LandPac 20 mil, 7.5 oz/yd² Coated Woven Polypropylene tarps (LandPac Tarp) manufactured by PacTec. Ohio EPA recognizes that LandPac Tarp 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 Wilmington Sanitary Landfill to use LandPac Tarp as an alternative daily cover material 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

1. This authorization is limited to the use of LandPac Tarp at the Facility. The owner or operator shall provide written notification to the Clinton County Health Department and Ohio EPA, SWDO of the date of the first use of this material. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.

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

2. The owner or operator shall place LandPac Tarp 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, rodents, and other vectors. The LandPac Tarp shall be secured on all four (4) sides by weights or other means necessary to ensure it remains in place. Prior to placing the next layer of waste, LandPac Tarp shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system.
3. Any scrap tires used by the owner or operator to secure the LandPac Tarp shall be managed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the rules promulgated thereunder.
4. If inclement weather conditions will render the placement or use of LandPac Tarp 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.
5. If the owner or operator determines that LandPac Tarp 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, SWDO and the Clinton County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA, SWDO within fourteen (14) calendar days. This notification is not necessary if the use of LandPac Tarp ceases on a temporary basis in accordance with Condition Number 4.
6. If Ohio EPA or the Clinton County Health Department determines that the use of LandPac Tarp 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 LandPac Tarp 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.
7. The owner or operator shall not cover more than 30,000 square feet of waste with LandPac Tarp at any one time. Soil shall be used as daily cover on any remaining areas of exposed waste.
8. LandPac Tarp 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 which has been covered with LandPac Tarp 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. The owner or operator shall promptly replace or repair LandPac Tarp if it becomes frayed, torn, ripped, or otherwise rendered unusable and is therefore no longer able to serve its intended purpose.

10. 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, SWDO comparing the effectiveness of using LandPac Tarp to conventional soil cover. The report shall contain a discussion of the following items: a. the number of days that LandPac Tarp was used, b. weather conditions at the time of placement of LandPac Tarp, 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 LandPac Tarp.

11. The use and location of LandPac Tarp 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.

12. This authorization to use LandPac Tarp as alternative daily cover shall expire one hundred eighty (180) days after its effective date. The owner or operator shall not continue to use LandPac Tarp after this date, unless the report required by Condition Number 10 is submitted and authorization for continued use of the material is received.

13. Photographs from at least two opposing sides of the working face shall be taken each day that LandPac Tarp has been applied. At least four such series of photographs shall be included in the report required by Condition Number 10 during the trial period. If LandPac Tarp was used for fewer than four (4) days during the trial period, the owner or operator shall include the photographs for each day LandPac Tarp was used in the report required by Condition Number 10.

14. 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.

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

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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 LandPac Tarp to be acceptable and wishes to continue using the material as alternative daily cover material 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 Michelle Ackenhausen of Ohio EPA's Southwest District Office at (937) 285-6049.

Sincerely,

Chris Korleski
Director

cc: Russell Brown, DSIWM/SWDO
Matt Johannes, Clinton County Health Department
Scott Hester, DSIWM/CO