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BEFORE THE  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**

IN THE MATTER OF

Coshocton Landfill  
Waste Management, Inc.  
3415 Township Road 447  
Glenford, OH 43739

Director's Final  
Findings and Orders

Pursuant to Ohio Revised Code (ORC) Section 3734.02(A), the Director of Environmental Protection (director) hereby makes the following findings and issues the following orders,

FINDINGS

1. Coshocton Landfill (Facility) is a municipal solid waste disposal facility that is currently operating under a permit-to-install (PTI Number 06-2076) issued by the Ohio Environmental Protection Agency (Ohio EPA) on September 28, 1993. Located in Franklin and Tuscarawas Townships in Coshocton County, the Facility is currently owned and operated by Waste Management, Inc.
2. Ohio Administrative Code (OAC) Rules 3745-27-08(C)(17)(a)(vi) and 3745-27-08(C)(17)(a)(vii) state, in pertinent part, that the interim final cover shall have a maximum permeability of  $1 \times 10^{-5}$  cm/sec for a field test or  $1 \times 10^{-6}$  cm/sec for a lab test and be tested for particle size distribution and proctor density at least once for every 3,000 cubic yards of material used.
3. On July 18, 2001, R.D. Zande & Associates submitted a letter, on behalf of Waste Management, Inc., requesting a variance pursuant to ORC Section 3734.02(A) from the requirements of OAC Rules 3745-27-08(C)(17)(a)(vi) and 3745-27-08(C)(17)(a)(vii). Specifically, Waste Management, Inc. proposes to vary the permeability test, proctor density test, and particle distribution test requirements for the placement of interim final cover.
4. Results of extensive testing conducted on the borrow source indicate that the borrow source is uniform in nature. Therefore, reducing the frequency for particle size distribution testing during construction of the interim final cover is unlikely to adversely affect the public health or safety or the environment.

For this to be a true and accurate copy of the  
official record of the Board of the Ohio  
Environmental Protection Agency

By *Andrew Amthorn*

11/19/01

5. Pursuant to OAC Rule 3745-27-19, the owner/operator is required to place intermediate cover in areas that remain inactive for at least 30 days and then place either interim final cover or final cover once those areas reach final approved elevations. Instead, the owner/operator is proposing to forgo the intermediate cover and place the interim final cover in those areas.
6. Experience with the material has demonstrated that when placed and compacted, it results in a cohesive soil layer with low permeability to water. Placement and compaction of the soil material as proposed should result in a soil layer with a permeability much less than intermediate cover and similar to that required by rule for interim final cover. Because the material will be placed and compacted sooner than required by OAC Rule 3745-27-19(H)(2), and because the permeability of the compacted material should be much less than that of intermediate cover and similar to that required for interim final cover, infiltration and leachate generation should be less than if intermediate cover were placed.
- 7 . ORC Section 3734.02(A) states, in pertinent part:  
  
The director shall grant a variance only if the applicant demonstrates to the director's satisfaction that construction and operation of the solid waste facility in the manner allowed by the variance and any terms and conditions imposed as part of the variance will not create a nuisance or a hazard to the public health or safety or the environment.
8. Because of the reasons stated in findings number 4, 5 and 6, above, granting a variance from the testing requirements, as proposed, will not create a nuisance or a hazard to the public health or safety or the environment.

### **ORDERS**

1. Pursuant to ORC Section 3734.02(A), Waste Management, Inc. is hereby granted a variance from the permeability, proctor density, and particle size distribution testing requirements established by OAC Rules 3745-27-08(C)(17)(a)(vi) and 3745-27-08(C)(17)(a)(vii).
2. Particle size distribution of the material shall be verified by tests performed on representative samples based on the variability and homogeneity of the material used as interim final cover. The material shall be tested each time placement of interim final cover occurs at a minimum frequency of once for every 10,000 cubic yards of material.

3. Placement of interim final cover shall begin on all external slopes within 30 days of the slope reaching final approved waste elevations. The placement of interim final cover shall be performed in accordance with OAC Rules 3745-27-08(C)(17)(a)(i) through 3745-27-08(C)(17)(a)(v) and OAC Rules 3745-27-08(C)(17)(b) and 3745-27-08(C)(17)(c).
4. Nothing in these findings and orders shall be construed to authorize any activity, method, or waiver from any requirements of ORC Chapter 3734 or the regulations promulgated thereunder, except as expressly provided herein. These findings and orders shall not be interpreted to release Waste Management, Inc. from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; from the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control 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.

IT IS SO ORDERED:

  
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Christopher Jones  
Director