



State of Ohio Environmental Protection Agency

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JUN 21 2001

Alan Ruffell
City of Toledo
2411 Albion Road
Toledo, Ohio 43606

I certify this to be a true and accurate copy of the
official correspondence from the records of the Ohio
Environmental Protection Agency.

By Donna Jacobs date 6/21/01

OHIO E.P.A.
JUN 21 2001
INTERED DIRECTOR'S JOURNAL

**RE: Hoffman Road Landfill, Lucas County
Alternative Daily Cover Final Approval**

Dear Mr. Ruffell:

On September 8, 2000, and October 24, 2000, the Division of Solid and Infectious Waste Management (DSIWM) at Ohio EPA, Northwest District Office (NWDO) received your 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 Hoffman Road Landfill (Facility) in Lucas County. Specifically, the City of Toledo requests final authorization to continue the use of Proguard SB beyond the one hundred eighty (180) day trial period established in a previous authorization dated December 12, 2000.

OAC Rule 3745-27-19(F)(3) states, "The director may approve alternative materials and/or thicknesses for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the alternative material and/or thickness provides comparable protection and is protective of human health and the environment."

In a letter dated December 12, 2000, Ohio EPA, granted the City of Toledo permission to use Proguard SB as alternative daily cover material at the Facility for a one hundred eighty (180) day trial period. During this period, the performance of the material was monitored by Ohio EPA, NWDO, and the Toledo-Lucas County Health Department to determine the material's effectiveness and its ability to function in the manner intended. Additionally, as required by the aforementioned authorization, the City of Toledo submitted a report to Ohio EPA, NWDO. This report details the performance of Proguard SB as daily cover during the trial period.

In your written correspondence dated April 11, 2001, the City of Toledo requested final authorization to use Proguard SB as alternative daily cover material on an on-going basis at the Facility. Based on the results of Ohio EPA's monitoring and review of the information contained in the report discussed in the paragraph above, Ohio EPA has determined that Proguard SB has the potential to function effectively as an alternative daily cover material at the Facility on a long term basis. Therefore, pursuant to OAC Rule 3745-27-19(F)(3), I hereby authorize the City of Toledo to use Proguard SB at the Facility on an on-going basis as daily cover material at the Facility. This approval is subject to the following conditions:

Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director

CONDITIONS

1. This authorization is limited to the use of only Proguard SB at the Hoffman Road Landfill. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The City of Toledo shall place Proguard SB 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.
3. If inclement weather conditions will render the placement or use of Proguard SB ineffective or otherwise unsatisfactory, the City of Toledo shall temporarily revert to using convention soil cover in accordance with OAC Rule 3745-27-1 9(F) until such conditions cease to exist. Under such circumstances, the City of Toledo 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 City of Toledo deems Proguard SB to be ineffective or otherwise unsatisfactory under normal operating conditions, the City of Toledo shall immediately revert to using convention soil cover in accordance with OAC Rule 3745-27-1 9(F). Under such circumstances, the City of Toledo may apply another alternative daily cover material that has been approved for use at the Facility. The City of Toledo shall immediately notify Ohio EPA, NWDO, and Toledo-Lucas County Health Department of this action both verbally and through written communication. This notification is not necessary if the use of Proguard SB ceases on a temporary basis in accordance with Condition No. 3.
5. If Ohio EPA or Toledo-Lucas County Health Department determines that the use of Proguard SB is ineffective or unsatisfactory, then permission to use the material may be revoked upon written notification from the director. Immediately upon such revocation, the City of Toledo shall cease to use Proguard SB as alternative daily cover material at the Facility, and shall revert to using conventional soil cover in accordance with OAC Rule 3745-27-1 9(F). Under such circumstances, the City of Toledo may apply another alternative daily cover material that has been approved for use at the Facility.
6. The City of Toledo shall not have more than 50,000 square feet of the working face covered with alternative daily cover material. This amount represents the maximum area of the Facility that can be covered with alternative daily cover material at any one time. This maximum area applies to the use of Proguard SB by itself or in combination with other alternative daily cover materials that the director has authorized for use at the Facility.

7. Proguard SB 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 has been covered with Proguard SB shall be covered with at least six (6) inches of soil in accordance with OAC Rule 3745-27-1 9(F) 'by the end of the seventh day.
8. 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 City of Toledo from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code; under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act; or from other requirements for remedying conditions resulting from any release of contaminants to the environment.

You are hereby notified that this action of the Director of Environmental Protection is final and may be appealed to the Environmental Review Appeals Commission (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. It must be filed with the Commission within thirty (30) days after notice of the director's action. A copy of the appeal must be served on the director within three (3) days of filing with the Commission. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street;
Room 300
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Amy Heller at (419) 373-3058.

Sincerely,



Christopher Jones, Director

pc: John Pasquarette, Interm-Supervisor, DSIWM, NWDO
Scott Hester, Supervisor, DSIWM, CO ✓
David Welch, Toledo-Lucas County Health Department