



State of Ohio Environmental Protection Agency

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MAR 11 2010 P.O. Box 1049  
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ENTERED DIRECTOR'S JOURNAL

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

MAR 11 2010

Defiance County Commissioners  
500 Court Street  
Defiance, OH 43512

By: [Signature] Date: 3-11-10

**Re: Defiance County Landfill, Defiance County  
Alternative Daily Cover Material Temporary Approval  
Fabrene RTGPN9N9 Tarp**

Dear Commissioners:

On December 24, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) 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 Defiance County Landfill (Facility) located in Defiance 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 Type RTGPN9N9 24 mil, 9.4 oz/yd<sup>2</sup>, coated tarp (RTGPN9N9 Tarp), manufactured by Fabrene. Each RTGPN9N9 Tarp panel measures approximately 40 feet by 300 feet, for a total area of 24,000 square feet. Ohio EPA recognizes that RTGPN9N9 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 Defiance County Landfill to use RTGPN9N9 Tarps 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 two (2) RTGPN9N9 Tarp panels at the Facility. The owner or operator shall provide written notification to Ohio EPA of the date of 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

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2. The owner or operator shall place RTGPN9N9 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, birds, rodents, and other vectors. Prior to placing the next layer of waste, the RTGPN9N9 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 RTGPN9N9 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 RTGPN9N9 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 the RTGPN9N9 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, NWDO of this action by the end of the next working day and shall submit written notification to Ohio EPA, NWDO within fourteen (14) calendar days. This notification is not necessary if the use of RTGPN9N9 Tarp ceases on a temporary basis in accordance with Condition Number 4.
6. If Ohio EPA determines that the use of the RTGPN9N9 Tarp is ineffective or otherwise unsatisfactory under normal operating conditions, the 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 RTGPN9N9 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 RTGPN9N9 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 RTGPN9N9 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.
8. The owner or operator shall promptly replace or repair RTGPN9N9 Tarp if it becomes frayed, torn, ripped, or otherwise rendered unusable and is therefore no longer able to serve its intended purpose.
9. 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, NWDO comparing the effectiveness of using RTGPN9N9 Tarp to conventional soil cover. The report shall contain a discussion of the following items:
  - a. the number of days that RTGPN9N9 Tarp was used,
  - b. weather conditions at the time of placement of RTGPN9N9 Tarp,
  - c. number of days odors were detected,
  - d. the presence of birds, rodents, insects or other vectors,
  - e. any increase in blowing litter, and
  - f. method(s) for controlling fire during use of RTGPN9N9 Tarp.
10. The use and location of RTGPN9N9 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.
11. This authorization to use RTGPN9N9 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 RTGPN9N9 Tarp after this date unless the report required by Condition Number 9 is submitted and authorization for continued use of the material is received.
12. Photographs from at least two opposing sides of the working face shall be taken each day that the RTGPN9N9 Tarp has been applied. At least four such series of photographs shall be included in the report required by Condition Number 9 during the trial period. If RTGPN9N9 Tarp was used fewer than four (4) days during the trial period, the owner or operator shall include the photographs for each day the RTGPN9N9 Tarp was used in the report required by Condition Number 9.

13. 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 (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 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, made payable to "Ohio Treasurer Kevin Boyce," 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

If you have any questions concerning this letter, please contact Brent M. Goetz of Ohio EPA, NWDO at (419) 373-4114.

Sincerely,



Chris Korleski  
Director

CK/KM/sw

cc: Tim Houck, Defiance County Landfill  
James L. Moseley, The Mannik & Smith Group, Inc.  
Dick Sargent, Eastman and Smith  
Mike Reiser, DSIWM, NWDO  
Brent Goetz, DSIWM, NWDO