



OHIO E.P.A.

State of Ohio Environmental Protection Agency

APR 13 2010

MAILING ADDRESS:

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

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

ENTERED DIRECTOR'S JOURNAL

APR 13 2010

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.

Mr. Bob Walls
Williams County Landfill
6231 MacBeth Rd
Ft. Wayne, IN 46809

 Date: 4-13-2010

RE: **Williams County Landfill, Williams County
Alternative Daily Cover Approval**

Dear Mr. Walls:

On April 1, 2010, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a request from Republic Services (owner or operator) for authorization to use petroleum contaminated soil as an alternative daily cover (ADC) material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(a) at the Williams County Landfill (Facility) located at 12604 County Road G, Bryan, in Williams County. The petroleum contaminated soil is a solid waste from the former Indian Meadow and former Tiffin River service plazas at mile marker 20.8 of the Ohio Turnpike just north of West Unity, Ohio. The petroleum contaminated soil has been analyzed and determined to be non-hazardous, as exhibited by the December 22, 2009, soil samples that supplemented the analytical data generated during underground storage tank removal activities.

OAC Rule 3745-27-19(F)(3)(a) states, "The director may approve solid waste to be used as alternative material for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the solid waste material proposed for use can provide protection comparable to six inches of soil and is protective of human health and environment. The owner or operator must obtain written approval to use solid waste for alternative daily cover prior to utilizing the solid waste."

Ohio EPA has reviewed the information contained in the request and has determined that the petroleum contaminated soil has the potential to function effectively as ADC material and provide protection comparable to six (6) inches of soil as required by OAC Rule 3745-27-19(F)(3)(a). Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(a), I hereby authorize the use of the petroleum contaminated soil from the former Indian Meadow and former Tiffin River service plazas as ADC material at the Facility.

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

As part of this approval, the owner or operator is subject to the following conditions:

CONDITIONS

1. This authorization is limited to the use of petroleum contaminated soils only from the former Indian Meadow and former Tiffin River service plazas. The petroleum contaminated soil must be of similar composition and consistent with the waste analytical data submitted to Ohio EPA. No other ADC material may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall place the petroleum contaminated soils 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. Prior to placing the next layer of waste, the petroleum contaminated soils shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system.
3. If inclement weather conditions will render the placement or use of the petroleum contaminated soils 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 ADC material that has been approved for use at the Facility, provided that it is able to perform effectively under the inclement conditions.
4. If the owner or operator determines that the petroleum contaminated soils are ineffective or otherwise unsatisfactory under normal operating conditions, the owner or operator shall immediately 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 ADC material that has been approved for use by Ohio EPA at the Facility. The owner or operator shall verbally notify Ohio EPA, DSIWM, NWDO of this action by the end of the next working day and shall submit written notification to Ohio EPA, DSIWM, NWDO not later than fourteen (14) calendar days after the action has been taken. This notification is not necessary if the use of petroleum contaminated soils ceases on a temporary basis in accordance with Condition Number 3, above.
5. If Ohio EPA determines that the petroleum contaminated soils are ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use the material may be revoked upon written notification from the director of Ohio EPA (Director). Immediately upon such revocation, the owner or operator shall cease using the petroleum contaminated soils as ADC 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 ADC material that has been approved for use at the Facility

6. All stockpiles or storage areas for the petroleum contaminated soils shall be located within the current limits of solid waste placement. Any water that comes into contact with the petroleum contaminated soils, either during use as ADC material or during storage, shall be directed into the leachate collection system.
7. The petroleum contaminated soils shall not be used as intermediate or final cover at the Facility.
8. The use and location of petroleum contaminated soils as ADC material shall be documented on the required Daily Log of Operations, Form 3 on each day it is used as ADC material. This document shall also include a map that shows where and when the petroleum contaminated soil was utilized as ADC material relative to the working face.
9. Appropriate state and local solid waste fees shall be applied to the petroleum contaminated soils, regardless of whether they are utilized as ADC material or disposed of in the working face.
10. The petroleum contaminated soils shall be counted against the Facility's authorized maximum daily waste receipt of 3,000 tons.
11. The petroleum contaminated soils shall be utilized only on internal slopes where surface water that may contact the petroleum contaminated soils will be contained within the confines of the leachate collection system.
12. Nothing in this letter shall be construed to authorize any waiver from the requirements of 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.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (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

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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, OH 43215

If you have any questions regarding this authorization, please contact Jeremy Scoles of Ohio EPA, DSIWM, NWDO at (419) 373-3079.

Sincerely,



Chris Korleski
Director

pc: Jeremy Scoles, DSIWM, NWDO
Scott Hester, DSIWM, CO
Mr. Tony Maxson, Republic Services
Ms. Stephanie Goodman, Republic Services
Mr. Scott Walker, Williams County Landfill
Mr. Jay Weiseman, Republic Services