



State of Ohio Environmental Protection Agency

OHIO E.P.A.

AUG -3 2010

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AUG 3 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. John Hattersley, P.E.
Rumpke Waste, Inc.
10795 Hughes Road
Cincinnati, Ohio 45251

By: Denny Kossida Date: 8-3-10

**RE: Brown County Sanitary Landfill, Brown County
Alternative Daily Cover Approval
Spent Nontoxic Foundry Sand**

Dear Mr. Hattersley:

On June 16, 2010, 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 spent nontoxic foundry sand (Sand) as an alternative daily cover (ADC) material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) at the Brown County Sanitary Landfill (Facility) located in Brown 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. The owner or operator must obtain written approval to use an alternative material or thickness for daily cover prior to utilizing the alternative material or thickness."

Specifically, the owner or operator requested to use Sand generated at the CCPI facility located in Blanchester, Ohio as ADC material at the Facility. Ohio EPA recognizes that the Sand has the potential to provide protection comparable to six 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 Facility to use the Sand from the CCPI facility as ADC 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:

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

CONDITIONS

1. This authorization is limited to the use of only spent nontoxic foundry sand from the CCPI facility in Blanchester, Ohio, at the Brown County Sanitary Landfill (Facility). No other ADC material may be used at the Facility without prior authorization from Ohio EPA.
2. Not later than seven (7) days prior to the initial use of the Sand as ADC material at the Facility, the owner or operator shall send written notification of the anticipated start date to Ohio EPA, DSIWM, SWDO and the Brown County Health Department (BCHD).
3. The owner or operator shall place the Sand, at a minimum thickness of six (6) inches, 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 Sand shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system.
4. If inclement weather conditions render the placement or use of the Sand 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 the ADC material is able to perform effectively under the inclement conditions.
5. If the owner or operator determines that the Sand 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 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, SWDO and BCHD of this action by the end of the next working day and shall submit written notification to Ohio EPA, DSIWM, SWDO within fourteen (14) calendar days. This notification is not necessary if the use of the Sand ceases on a temporary basis in accordance with Condition 4.
6. If Ohio EPA or BCHD determines that the Sand is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use the ADC material may be revoked upon written notification from the director of Ohio EPA (Director). Immediately upon such revocation, the owner or operator shall cease use of the Sand 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 the use at the Facility.

7. All stockpiles or storage areas for the Sand shall be located within the current limits of solid waste placement. Any water that comes into contact with the Sand, either during use as ADC material or during storage, shall be directed into the leachate collection system.
8. The Sand shall not be used as intermediate or final cover at the Facility. Any solid waste disposal area that remains inactive for a period of seven (7) days, and that has been covered with the Sand, 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 use and location of the Sand as ADC material shall be documented on the required Municipal Solid Waste Landfill 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 the Sand was utilized as ADC material relative to the working face.
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, DSIWM, SWDO comparing the effectiveness of the Sand to conventional soil cover. The report shall contain a discussion of the following items:
 - a. the number of days that the Sand was used,
 - b. weather conditions at the time of the placement of the Sand,
 - 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 the Sand.
11. This authorization to use the Sand as ADC material shall expire one hundred eighty (180) days after its effective date. The owner or operator shall not continue to use the Sand after this date unless the report required by Condition 10 is submitted and authorization for the continued use of the ADC material is received.
12. Photographs from at least two (2) opposing sides of the working face shall be taken each day that the Sand has been applied. At least four (4) such series of photographs shall be included in the report required by Condition 10 during the trial period. If the Sand was used fewer than four (4) days during the trial period, the owner or operator shall include the photographs for each day the Sand was used in the report required by Condition 10.
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 (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, OH 43215

In the event that the owner or operator finds the use of the Sand to be acceptable and wishes to continue using the material as ADC 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 Michael Harris of Ohio EPA, DSIWM, SWDO at (937) 285-6357.

Sincerely,



Chris Korleski
Director

cc: Stephen Dick, Brown County Health Department
Michael Harris, DSIWM – SWDO
Pat Willoughby, DSIWM – SWDO