



State of Ohio Environmental Protection Agency

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SEP 21 2010 P.O. Box 1049
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ENTERED DIRECTOR'S JOURNAL

SEP 21 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.

Defiance County Commissioners
500 Court Street
Defiance, OH 43512

By: Janet Lassiter Date: 9-21-10

**Re: Defiance County Landfill, Defiance County
Alternative Daily Cover Material 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/yd², coated tarp, manufactured by Fabrene (Fabrene Tarp). Each Fabrene Tarp panel measures approximately 40 feet by 300 feet, for a total area of 24,000 square feet.

On March 11, 2010, Ohio EPA issued a 180-day temporary approval for the use of the Fabrene Tarp. Condition 9 of the temporary approval required that the owner/operator submit a report to Ohio EPA, NWDO, comparing the effectiveness of using the Fabrene Tarp to conventional soil cover. On July 13, 2010, the Defiance County Landfill submitted a report meeting the requirements outlined in the March 11, 2010, 180-day temporary approval. As part of the July 13, 2010 submittal, the Defiance County Landfill requested permanent authorization for the use of the Fabrene Tarp as alternative daily cover material.

Based on the information provided in the July 13, 2010 letter, as well as observations made during inspections completed by Ohio EPA, Northwest District Office (NWDO), Ohio EPA recognizes that the Fabrene 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

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



Landfill to use Fabrene Tarp as an alternative daily cover material at the Facility.

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 two (2) Fabrene Tarp panels at the Facility. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall place the Fabrene 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 Fabrene 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 Fabrene 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 the Fabrene 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 material is able to perform effectively under the inclement conditions.
5. If the owner or operator determines that the Fabrene 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 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 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 the Fabrene Tarp ceases on a temporary basis in accordance with Condition Number 4.
6. If Ohio EPA determines that the use of the Fabrene 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 the Fabrene 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 Fabrene 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 the Fabrene 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 the Fabrene Tarp if it becomes frayed, torn, ripped, or otherwise rendered unusable and is therefore no longer able to serve its intended purpose.
9. The use and location of the Fabrene 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.
10. 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 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 from 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

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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,

A handwritten signature in black ink that reads "Chris Korleski". The signature is written in a cursive, flowing style.

Chris Korleski
Director

pc: 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