



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

MAR 28 2011

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Mr. Paul Flory, Esq.
Environmental Compliance Manager
Solid Waste Authority of Central Ohio
4239 London Groveport Road
Grove City, Ohio 43123-9518

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.

By Jim Lassiter Date: 3-28-11

**Re: Franklin County Landfill, Franklin County
Alternative Daily Cover Material Approval
Posi-Shell Advanced Formulation – 30 Day Approval**

Dear Mr. Flory:

On October 14, 2008, the Ohio Environmental Protection Agency ("Ohio EPA") approved the use of Posi-Shell Advanced Formulation ("Posi-Shell") as alternative daily cover ("ADC") material pursuant to Ohio Administrative Code Rule (OAC) 3745-27-19(F)(3)(b) at the Franklin County Landfill ("Facility") located in Franklin County. Under that approval, it was stated that "Any solid waste area that remains inactive for a period of seven (7) days shall be covered with at least six (6) inches of soil in accordance with OAC Rule 3745-27-19(F)".

On November 18, 2008, Ohio EPA issued a 180-day temporary approval for the use of Posi-Shell as ADC material for up to 30 days instead of the approved 7 days. Condition 7 of the temporary approval required that the owner/operator submit a report to Ohio EPA, Central District Office ("CDO") comparing the effectiveness of Posi-Shell to conventional soil cover when the material is in place between 7 and 30 days.

On February 11, 2011, the owner/operator submitted a report meeting the requirements outlined in the November 18, 2008 temporary approval. As part of the February 11, 2011 submittal, authorization was requested for the continued use of Posi-Shell as ADC material for up to 30 days at the Facility.

Based upon the information provided in the February 11, 2011 report, as well as observations made during inspections completed by Ohio EPA, CDO and Franklin County Public Health staff, Ohio EPA recognizes that Posi-Shell 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 Franklin County Landfill to use Posi-Shell as an alternative daily cover material at the Facility for up to 30 days.

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 Posi-Shell 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 Posi-Shell 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 Posi-Shell 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 Posi-Shell 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.
4. If the owner or operator determines that the Posi-Shell 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). The owner or operator shall verbally notify Ohio EPA, CDO of this action by the end of the next business day and shall submit written notification to Ohio EPA, CDO within fourteen (14) calendar days. This notification is not necessary if the use of the Posi-Shell ceases on a temporary basis in accordance with Condition Number 3.
5. If Ohio EPA determines that the use of Posi-Shell for a 30 day period is ineffective or otherwise unsatisfactory under normal operating conditions, the permission to use this material may be revoked upon written notification. Immediately upon such revocation, the owner or operator shall cease using the Posi-Shell 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).
6. The Posi-Shell shall not be used as intermediate, transitional, or final cover. Any solid waste disposal area that remains inactive for a period of more than 30 days shall be covered with at least twelve (12) inches of soil in accordance with OAC Rule 3745-27-19(G) by the end of the 30th day.

7. The use of Posi-Shell 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.
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 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 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 "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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 Phil Farnlacher of Ohio EPA, CDO at (614) 728-3890.

Sincerely,



Scott J. Nally
Director

pc: Steve Rath, DSIWM/CDO
Scott Hester, DSIWM/CO
Jeff Grose, Franklin County Public Health