



OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

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

CERTIFIED

March 20, 2013

Mr. John Hattersley
Senior Engineer
Rumpke Waste & Recycling Services
10795 Hughes Road
Cincinnati, Ohio 45251

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: Scott J. Nally Date: 3-20-13

**RE: Brown County Landfill.
Alternative Daily Cover Approval for Black 4-mil to 10-mil Thick
Polypropylene Sheeting**

Dear Mr. Hattersley:

On January 23, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO), received a request for authorization to use black polypropylene sheeting with a thickness equal to or greater than 4-mil as alternative daily cover (ADC) material, in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b), at Brown County Landfill (Facility) located at 9427 Beyers Road in Brown County.

OAC Rule 3745-27-19(F)(3)(b) states, "The director may approve alternative materials, other than solid waste, and/or thickness for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the 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."

Ohio EPA has reviewed the information contained in the request and has determined that black polypropylene sheeting with a thickness of at least 4-mil, but not greater than 10-mil, 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)(b). Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(b), I hereby authorize the use of black polypropylene sheeting with a thickness of at least 4-mil, but not greater than 10-mil, as ADC material at the Facility.

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

CONDITIONS

1. This authorization is limited to the use of only black polypropylene sheeting with a thickness of at least 4-mil, but not greater than 10-mil, (black polypropylene sheeting) at the Facility. No other ADC material may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall place black polypropylene sheeting 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, rodents, and other vectors. The black polypropylene sheeting shall be secured on all four sides by weights or other means necessary to remain in place. Prior to placing the next layer of waste, the black polypropylene sheeting shall be removed and otherwise prepared so as not to impede the flow of leachate to the leachate management system.
3. If inclement weather conditions render the placement or use of black polypropylene sheeting 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.
4. If the owner or operator determines that black polypropylene sheeting 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, DMWM, SWDO and the Brown County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA, DMWM, SWDO within fourteen (14) calendar days. This notification is not necessary if use of the black polypropylene sheeting ceases on a temporary basis in accordance with Condition Number 3.
5. If Ohio EPA determines that the use of black polypropylene sheeting is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use black polypropylene sheeting may be revoked by written notification by the Director of Ohio EPA (Director). Immediately upon such revocation, the owner or operator 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. The Facility shall not have more than 43,560 square feet (1 acre) of waste covered with black polypropylene sheeting at any one time. The exception to this is when black polypropylene sheeting is used to aid in minimizing infiltration of soil particles into the drainage/protective layer in areas where a relatively vertical face of the drainage/protective layer is exposed.
7. The owner or operator shall promptly replace the ADC material if it becomes frayed, torn, ripped, or otherwise rendered unusable and is, therefore, no longer able to serve its intended purpose.
8. Black polypropylene sheeting 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 black polypropylene sheeting, 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. In areas where the ADC is used to minimize soil particle infiltration as described in Condition 6, it may remain in place for an extended period beyond seven (7) days, but not to exceed 29 days. Daily inspections shall be conducted to ensure that use of the material complies with OAC Rule 3745-27-19(F). These inspections shall be documented in the required Municipal Solid Waste Landfill Daily Log of Operations – Form 3 on each day it is used as ADC material.
9. Nothing in this approval 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, Resource Conservation and Recovery Act, or 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 which the Commission, in its discretion, may reduce if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme

Mr. John Hattersley
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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
77 South High Street, 17th Floor
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Joleen Cook of Ohio EPA, SWDO at (937) 285-6071.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott J. Nally", written over the word "Sincerely,".

Scott J. Nally
Director

ec: Russ Brown, DMWM-SWDO
Scott Hester, DMWM-CO
Kathy Jackson, DMWM-SWDO

cc: Stephen Dick, Brown County Health Department
Jim Hext, Rumpke Landfill Manager