



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

OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

CERTIFIED

April 1, 2013

Mr. Dan Pittman
Hoffman Road Landfill
3962 Hoffman Road
Toledo, Ohio 43611

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: John R. Kasich Date: 4-1-13

**Re: Hoffman Road Landfill, Lucas County
Alternative Intermediate Cover Material Approval
180 Day Trial Period**

Dear Mr. Pittman:

On January 25, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO) received a request, dated January 25, 2013, for authorization to use Nu-Soil in a demonstration to determine its effectiveness as alternative intermediate cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(G)(2) at the Hoffman Road Landfill (Facility) located in Lucas County.

OAC Rule 3745-27-19(G)(2) states: "Intermediate cover material shall be nonputrescible and have low permeability to water, good compactability, cohesiveness, and relatively uniform texture, and shall not contain large objects in such quantities as may interfere with its application and intended purpose. A soil layer, a minimum of twelve inches thick, consisting of well-compacted loam, silt loam, clay loam, silty clay loam, silty clay or some combination thereof, shall be used. The owner or operator may use other materials or thicknesses for intermediate cover if the owner or operator can demonstrate [sic] the satisfaction of the director that the proposed intermediate cover material or thickness provides comparable and adequate protection."

Ohio EPA recognizes that Nu-Soil may have the potential to provide protection comparable to twelve (12) inches of soil as required by OAC Rule 3745-27-19(G)(2). Therefore, I hereby authorize the owner or operator of the Hoffman Road Landfill to use Nu-Soil as an alternative to twelve inches of soil for intermediate cover at the Facility for a trial period to end one hundred eighty (180) days from the effective date of this authorization.

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

CONDITIONS

1. This approval authorizes the owner or operator to use only Nu-Soil, from S & L Fertilizer Company, Inc., as alternative intermediate cover material at the Facility on a pilot project basis. No other alternative intermediate cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The Nu-Soil noted in Condition Number 1 shall be nonputrescible, have low permeability to water, good compactability, cohesiveness, and relatively uniform texture, and shall not contain large objects that may interfere with its application and intended purpose.
3. Not later than three days prior to the initial application of Nu-Soil at the Facility, the owner or operator shall send written or electronic notification of the anticipated start date to Ohio EPA, NWDO and Toledo/Lucas County Health Department.
4. The owner/operator shall place the Nu-Soil over the daily cover to minimize infiltration. If the owner/operator determines that Nu-Soil is ineffective or otherwise unsatisfactory as intermediate cover, the owner or operator shall immediately revert to using conventional soil intermediate cover in accordance with OAC Rule 3745-27-19(G). 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 and Toledo/Lucas County Health Department not later than fourteen (14) calendar days after the action has been taken.
5. If inclement weather conditions render the placement or use of the Nu-Soil ineffective as an alternative intermediate cover, the owner or operator shall use conventional soil intermediate cover in accordance with OAC Rule 3745-27-19(G).
6. If Ohio EPA or Toledo/Lucas County Health Department determines that the use of Nu-Soil is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use Nu-Soil may be revoked upon written notification from Ohio EPA. Immediately upon such revocation, the owner or operator shall cease using Nu-Soil as alternative intermediate cover material at the Facility and shall revert to using conventional soil intermediate cover in accordance with OAC Rule 3745-27-19(G).
7. The owner or operator shall not use Nu-Soil as final cover.
8. The use and location of Nu-Soil as alternative intermediate cover shall be documented on the Daily Log of Operations stating the location of Nu-Soil, inspection dates, and observations made during inspections.

9. The owner/operator shall record photos of Nu-Soil in use as alternative intermediate cover at a frequency of not less than once every two weeks. The photos shall be taken from opposing sides of the trial area.
10. Not later than one hundred twenty (120) days after the effective date of this authorization, the owner or operator shall submit to Ohio EPA, NWDO and Toledo/Lucas County Health Department a report comparing the effectiveness of Nu-Soil to conventional soil intermediate cover that has been used at the Facility. If the owner or operator ceases to use Nu-Soil prior to the end of the one hundred eighty (180) day trial period, then the report shall be due not later than thirty (30) days after the use ceases. In either situation, the report shall contain a discussion of the following items:
 - Identification of the locations where Nu-Soil was used as alternative intermediate cover and the time period Nu-Soil was used in each location;
 - Description of general weather conditions and any adverse weather conditions during the time period Nu-Soil was used as alternative intermediate cover;
 - Discussion of the effectiveness of Nu-Soil as alternative intermediate cover in minimizing infiltration and resisting erosion;
 - Photos taken as specified in Condition 9.
11. This authorization to use Nu-Soil as alternative intermediate cover will expire one hundred eighty (180) days after the effective date of this authorization. The owner or operator may not use Nu-Soil as alternative intermediate cover after that date and must revert to using conventional soil intermediate cover if Director's approval for continued use is not granted.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any 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 of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code 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

Mr. Dan Pittman
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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
77 South High Street, 17th Floor
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Susan Hardy of Ohio EPA, NWDO at (419) 373-3043.

Sincerely,



Scott J. Nally
Director

Pc: Jodi Vaughan, Toledo-Lucas County Health Department
Karen Okonta, Hull and Associates, Inc.
Mike Reiser, DMWM, NWDO
Abdul Smiley, DMWM, NWDO