



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

OHIO E.P.A.

SEP 24 2013

ENTERED DIRECTOR'S JOURNAL

CERTIFIED

September 24, 2013

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

By: DMJ Casper Date: 9-24-13

**Re: Hoffman Road Landfill, Lucas County
Alternative Intermediate Cover Material Approval**

Dear Mr. Pittman:

On July 31, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO) received a written request for authorization to use an 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)(b) 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 the satisfaction of the director that the proposed intermediate cover material or thickness provides comparable and adequate protection."

Specifically, the owner or operator requested to use Nu-Soil. Ohio EPA has reviewed the information contained in the request and has determined that the Nu-Soil has the properties to provide protection comparable to twelve (12) inches of soil as required by OAC Rule 3745-27-19(G). Therefore, pursuant to OAC Rule 3745-27-19(G)(2), I hereby authorize the owner or operator of the Hoffman Road Landfill to use Nu-Soil as an alternative intermediate cover 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 the Nu-Soil at the Facility. No other alternative intermediate cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall place the Nu-Soil to filled areas of the landfill where additional waste will not be deposited for at least thirty days. Prior to placing the next layer of waste, the Nu-Soil 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 Nu-Soil ineffective or otherwise unsatisfactory, the owner or operator shall temporarily revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(G) until such conditions cease to exist.
4. If the owner or operator determines that the Nu-Soil 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(G). The owner or operator shall verbally notify Ohio EPA, NWDO and the Toledo-Lucas County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA, NWDO and the Toledo-Lucas County Health Department within fourteen (14) calendar days. This notification is not necessary if the use of the Nu-Soil ceases on a temporary basis in accordance with Condition Number 3.
5. If Ohio EPA or the Toledo-Lucas County Health Department determines that the use of the Nu-Soil is ineffective or otherwise unsatisfactory under normal operating conditions, then 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 Nu-Soil as intermediate cover material at the Facility and shall revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(G).
6. The Nu-Soil shall not be used as final cover.
7. The owner or operator shall promptly reapply the Nu-Soil if waste becomes exposed.
8. The use and location of the Nu-Soil shall be documented on the required Municipal Solid Waste Landfill Daily Log of Operations, Form 3 each day it is used as alternative intermediate cover material.

9. 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 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 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 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 concerning this letter, 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
Habib Kaake, DMWM, NWDO

SJN/cg