



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

OHIO E.P.A.

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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.

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CERTIFIED MAIL

By: 

Date: 01 03 2014

January 3, 2014

Mr. John Butler, Site Engineer
Rumpke Sanitary Landfill, Inc.
10795 Hughes Road
Cincinnati, Ohio 45251

RE: Rumpke Sanitary Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfills
Hamilton County
MSWL018791

**Subject: Alternative Daily Cover Material Temporary Approval
Rusmar Soil Equivalent Foam AC-667SE**

Dear Mr. Butler:

On December 16, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a written request from Rumpke Sanitary Landfill, Inc. (Rumpke) for authorization to use Rusmar Soil Equivalent Foam AC-667SE (Rusmar) as alternative daily cover (ADC) material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) at Rumpke Sanitary Landfill (Facility) in Hamilton County. Rumpke is the owner and operator of the Facility.

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 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 Rusmar 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 Rumpke to use Rusmar as ADC material at the Facility.

As part of this approval, Rumpke is subject to the following conditions:

CONDITIONS

1. This approval is limited to the use of only Rusmar at the Facility. No other ADC material may be used at the Facility without prior authorization from Ohio EPA.
2. Rumpke shall place Rusmar over exposed waste materials by the end of each working day, or more frequently if necessary, to control fire hazards, blowing litter, odors, dust, insects, birds, rodents, or other vectors. Rusmar shall be applied such that all waste materials are completely covered. Prior to placing the next layer of waste, Rusmar 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 render the placement or use of Rusmar ineffective or otherwise unsatisfactory, Rumpke 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, Rumpke 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 Rumpke determines Rusmar is ineffective or otherwise unsatisfactory under normal operating conditions, Rumpke shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, Rumpke may apply another ADC material that has been approved for use at the Facility. Rumpke shall verbally notify Ohio EPA, DMWM, SWDO and Hamilton County Public Health 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 Rusmar ceases only on a temporary basis in accordance with Condition Number 3.
5. If Ohio EPA or Hamilton County Public Health determines that the use of Rusmar is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use Rusmar may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, Rumpke shall cease using Rusmar as ADC material at the Facility and shall revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, Rumpke may apply another ADC material that has been approved for use at the Facility.
6. Rusmar shall not be used as intermediate cover or final cover at the Facility. Any solid waste disposal area that has been covered with Rusmar and 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) by the end of the seventh day.
7. Rumpke shall promptly reapply Rusmar if waste becomes exposed.

8. The use and location of Rusmar 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. Not later than one hundred twenty (120) days after the effective date of this authorization, Rumpke shall submit a report to Ohio EPA, SWDO comparing the effectiveness of using Rusmar to conventional soil cover. The report shall contain a discussion of the following items:
 - a. The number of days that Rusmar was used;
 - b. Weather conditions at the time of placement of Rusmar;
 - c. Number of days odors were detected;
 - d. The presence of vectors, rodents, or insects;
 - e. Any increase in blowing litter;
 - f. Methods for controlling fire during use of Rusmar;
 - g. Any increase or decrease in the amount of erosion as compared to areas with conventional soil cover.
10. This authorization to use Rusmar as alternative daily cover material shall expire one hundred eighty (180) days after its effective date.
11. Photographs from at least two opposing sides of the working face shall be taken each day that Rusmar has been applied. All photographs shall be maintained at the Facility and made available to Ohio EPA and Hamilton County Public Health upon request. The photographs shall be marked with the date and time that the photograph was taken along with the name of the photographer, the direction the picture was taken, and a description of the general area in which the photograph was taken.
12. 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 Rumpke 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.

You are hereby notified that this action of the 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

John Butler, Site Engineer
Rumpke Sanitary Landfill, Hamilton County
Page 4

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, OH 43215

If you have any questions regarding this authorization, please contact Russ Brown of Ohio EPA, SWDO at (937) 285-6357.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Nally", written over a horizontal line.

Scott J. Nally
Director

cc: Russ Brown, DMWM, SWDO
Larry Riddle, Rumpke Sanitary Landfill Manager
Timothy Ingram, Hamilton County Public Health Commissioner