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Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

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CERTIFIED

October 3, 2013

Mayor Randy Riley
City of Wilmington
397 North South Street
Wilmington, Ohio 45177

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.

**RE: Wilmington Sanitary Landfill, Clinton County
Alternative Daily Cover Material Approval**

By: Jerry Cassler Date: 10-3-13

Dear Mayor Riley:

On May 24, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a written request for authorization to use LandPac 20 mil, 7.5 oz/yd² Coated Woven Polypropylene tarps (LandPac Tarp) as alternative daily cover (ADC) material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) at Wilmington Sanitary Landfill (Facility) in Clinton County. The City of Wilmington (Wilmington) is the current owner of the Facility.

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

In a previous approval dated April 20, 2010, Ohio EPA granted Wilmington authorization to use LandPac Tarp as ADC material at the Facility for three years. During the three year period, Ohio EPA, SWDO monitored the Wilmington's ability to use LandPac Tarp as ADC material.

Based on the results of Ohio EPA's monitoring of the use and effectiveness of the LandPac Tarp as ADC material, Ohio EPA has determined that the LandPac Tarp functioned effectively as ADC material at the Facility. Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(b), I hereby authorize the owner or operator to use LandPac Tarp as ADC material at the Facility.

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

CONDITIONS

1. This approval is limited to the use of only LandPac Tarp 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 LandPac Tarp 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. LandPac Tarp shall be secured on all four (4) sides by weights or other means necessary to ensure it remains in place. Prior to placing the next layer of waste, LandPac Tarp shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system.
3. Any scrap tires used by the owner or operator to secure LandPac Tarp shall be managed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the rules promulgated thereunder.
4. If inclement weather conditions render the placement or use of LandPac Tarp 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.
5. If the owner or operator determines LandPac Tarp 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 at the Facility. The owner or operator shall verbally notify Ohio EPA, DMWM, SWDO and Clinton 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 LandPac Tarp ceases only on a temporary basis in accordance with Condition Number 4.
6. If Ohio EPA or Clinton County Health Department determines that the use of LandPac Tarp is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use LandPac Tarp may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, the owner or operator shall cease using LandPac Tarp 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, the owner or operator may apply another ADC material that has been approved for use at the Facility.

7. The owner or operator shall not cover more than 20,000 square feet of waste with LandPac Tarp at any one time. Soil shall be used as daily cover on any remaining areas of exposed waste.
8. LandPac Tarp shall not be used as intermediate or final cover at the Facility. Any solid waste disposal area that remains inactive for a period of seven (7) days and which has been covered with LandPac Tarp 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 the owner or operator shall promptly replace or repair LandPac Tarp if it becomes frayed, torn, ripped, or otherwise rendered unusable and is, therefore, no longer able to serve its intended purpose.
9. The use and location of LandPac Tarp 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.
10. This authorization to use LandPac Tarp as ADC material shall expire three (3) years after its effective date. The owner or operator shall not continue to use LandPac Tarp after this date unless a request for continued use is submitted and authorization is received prior to the date of expiration.
11. Photographs from at least two opposing sides of the working face shall be taken each day that LandPac Tarp has been applied. All photographs shall be maintained at the Facility and made available to Ohio EPA and the Clinton County Health Department 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 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.

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,

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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 Maria Lammers of Ohio EPA, SWDO at (937) 285-6046.

Sincerely,



Scott J. Nally
Director

cc: Tracy Buchanan, DMWM-SWDO
Scott Hester, DMWM-CO
Matt Johannes, Clinton County Health Department