



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center  
122 S. Front Street  
Columbus, OH 432151099

TELE: (614) 644-3020 FAX: (614) 644-2329

P.O. Box 1049  
Columbus, OH 43216-1049

JAN 3 2002

Paul Sherry  
Rumpke Waste, Inc.  
10795 Hughes Road  
Cincinnati, Ohio 45251

OHIO E.P.A.  
JAN - 3 2002  
INTENDED EMITTER'S JOURNAL

Re: **Brown County Landfill  
Alternative Daily Cover Approval**

Dear Mr. Sherry:

By document dated November 5, 2001, Rumpke Waste, Inc. (Rumpke) requested to use Beltech 113 as an alternative daily cover (ADC) material on a permanent basis at the Brown County Landfill.

Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) states:

“The director may approve alternative materials 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 comparable protection and is protective of human health and the environment.”

By letter dated July 16, 2001, Ohio EPA issued an approval to use the ADC material for a 180-day trial period. During this period, the performance of the material was monitored by Ohio EPA’s Southwest District Office and the Brown County Health District to determine the material’s effectiveness and its ability to function in the manner intended. Additionally, Rumpke submitted a report detailing the performance of Beltech 113 as ADC during the trial period.

Based on the results of Ohio EPA’s monitoring and the information contained in the submitted report, Ohio EPA has determined that Beltech 113 functioned effectively as an ADC material and provided protection comparable to traditional soil cover. Therefore, pursuant to OAC Rule 3745-27-19(F)(3), I hereby authorize Rumpke to use Beltech 113 as ADC on an on-going basis at the Brown County Landfill. This authorization is subject to the following conditions:

1. This authorization is limited to the use of Beltech 113 at the Brown County Landfill. No other ADC material may be used at the landfill without prior authorization from Ohio EPA.

This document is a true and correct copy of the official record of the records of the Ohio Environmental Protection Agency.

By *Christopher Jones* Date 1/3/02

Bob Taft, Governor  
Maureen O'Connor, Lieutenant Governor  
Christopher Jones, Director

2. Rumpke shall place Beltech 113 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, and rodents.
3. If inclement weather conditions will render the placement or use of Beltech 113 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 landfill, provided that the ADC material is able to perform effectively under the inclement conditions.
4. If Rumpke deems Beltech 113 to be ineffective or otherwise unsatisfactory, 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 landfill. Rumpke shall immediately notify Ohio EPA's Southwest District Office and Brown County Health District of this action both verbally and through written communication. This notification is not necessary if the use of Beltech 113 ceases on a temporary basis in accordance with Condition Number 3, above.
5. If Ohio EPA or Brown County Health District determines that the use of Beltech 113 is ineffective or unsatisfactory, then permission to use the material may be revoked. Upon revocation, Rumpke shall immediately cease to use Beltech 113 as ADC material at the landfill 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 landfill.
6. Rumpke shall not have more than 40,000 square feet of the working face covered with ADC material. This amount represents the maximum area of the landfill that can be covered with ADC material at any one time. This maximum area applies to the use of Beltech 113 by itself or in combination with other ADC materials that have been authorized to be used at the landfill.
7. Rumpke shall promptly replace or repair 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. Beltech 113 shall not be used as intermediate or final cover. Any solid waste disposal area that remains inactive for a period of seven days and has been covered with Beltech 113 shall be covered with at least six inches of soil in accordance with OAC Rule 3745-27-19(F) by the end of the seventh day.
9. Any scrap tires used by Rumpke to secure the ADC material must be managed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the rules promulgated

thereunder. In accordance with OAC Rule 3745-27-78(F), Rumpke is required to obtain separate authorization for a beneficial use of scrap tires before scrap tires can be used for this purpose of securing the geotextile.

10. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This authorization 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, the Toxic Substances Control Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants from the facility to the environment.

You are hereby notified that this action of the Director of Environmental Protection 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 ground upon which the appeal is based. It must be filed with the commission within 30 days after notice of the director's action. A copy of the appeal must be served on the director within three days of filing with the commission. An appeal may be filed with the commission at the following address:

Environmental Review Appeals Commission  
236 East Town Street  
Room 300  
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Russell Brown of Ohio EPA's Southwest District Office at (937) 285-6046.

Sincerely,



Christopher Jones  
Director

cc: Dan Campbell, Ohio EPA, DSIWM, SWDO  
Scott Hester, Ohio EPA, DSIWM, CO  
Brown County Health District