

**OHIO ENVIRONMENTAL PROTECTION AGENCY
PERMIT-TO-INSTALL**

Application Number: 02-15346
Application Received: June 25, 2001
Permit Fee: \$80,000.00
Permit Fee Balance: \$79,600.00

Applicant: Browning Ferris Industries of Ohio, Inc.
Address: 43502 Oberlin-Elyria Road
City, State, Zip: Oberlin, Ohio 44074

Name: Lorain County II Landfill
Location: Located in New Russia Township, Lorain County, Ohio which is 2.5 miles northeast of Oberlin, Ohio. Located north and northwest of Oberlin-Elyria Road, south of Butternut Ridge Road, east of Oberlin Road and west of the New Russia-Carlisle Township line.

PTI: Lateral and Vertical Expansion

Issuance Date: APR - 4 2003

Effective Date: APR - 4 2003

The above named entity is hereby issued a permit approval (permit-to-install) for the above described source pursuant to Chapter 3745-31 of the Ohio Administrative Code (OAC). Issuance of this permit approval (permit-to-install) does not constitute expressed or implied approval or agreement that, if constructed and/or modified in accordance with the plans, specifications, and/or information accompanying the permit application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws, rules, and regulations, and does not constitute expressed or implied assurances that, if constructed and/or modified in accordance with those plans, specifications, and/or information accompanying the permit application, the above described source of environmental pollutants will be granted the necessary operating permits and/or licenses. This permit approval (permit-to-install) is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

OHIO E.P.A.
APR - 4 2003
ENTERED DIRECTOR'S JOURNAL

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

 DATE 1 APRIL 2003

Ohio Environmental Protection Agency



Christopher Jones, Director

PERMIT SUMMARY

This final permit-to-install (PTI Number 02-15346) is an authorization to expand Lorain County II Landfill's approved limits of waste. Browning-Ferris Industries of Ohio (BFIO), Inc., the owner of the facility, proposes a lateral and vertical expansion of the existing municipal solid waste landfill which adds approximately 16.3 million cubic yards of capacity.

The ten-acre lateral expansion connects the previously authorized non-contiguous northern and southern units of the landfill. The lateral expansion area will include a composite liner and leachate collection system. The 184-acre vertical expansion is proposed over the 269-acres previously authorized. The vertical expansion area includes a 28-acre portion of the currently unfilled 94-acre northern unit and 156 acres of the 175-acre southern unit. The entire northern unit will be constructed with a composite liner system and leachate collection system. Waste will be placed in the southern unit over a 63-acre lined area and a 93-acre non-lined area. The entire facility has been constructed with a surface water management system, a ground water monitoring system, and an explosive gas monitoring system. This permit approval includes revisions to the financial assurance for closure and 30 years of post-closure care. The authorized maximum daily waste receipt (AMDWR) will remain at 6,500 tons.

This summary is provided solely for informational purposes and does not constitute a part of, or otherwise affect, the attached permit-to-install.

PERMIT CONDITIONS

1. The director, or an authorized representative, may enter upon the premises of the above named applicant (permittee) at any reasonable time during construction and operation for the purpose of making inspections, conducting tests, or examining records or reports pertaining to the construction, modification, or installation of the above described source of environmental pollutants (municipal solid waste disposal facility).
2. The proposed source shall be constructed in strict accordance with the plans, specifications, and information submitted as part of the application for this permit to the director. There may be no deviation from the approved plans without the express, written approval of the Ohio Environmental Protection Agency (Ohio EPA). Any deviation from the approved plans or the permit conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio EPA if the proposed solid waste disposal facility is inadequate or cannot meet applicable standards.

3. Issuance of this permit approval does not relieve the applicant of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
4. In accordance with OAC Rule 3745-31-06(A), this permit approval shall terminate 18 months after its effective date if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation or modification. In accordance with OAC Rule 3745-31-06(C), this deadline may be extended by up to 12 months if application is made to the director no less than 60 days prior to the expiration of the 18-month period and the party shows just cause for any such extension.
5. This approval shall apply only to those facilities shown on the plans submitted as part of PTI Application Number 02-15346, received on June 25, 2001, with subsequent revisions received on March 29, 2002, May 10, 2002, June 19, 2002, and October 9, 2002.
6. This permit may be modified, or alternatively revoked and reissued, to comply with any revisions to OAC Chapters 3745-27 and 3745-31 applicable to this municipal solid waste disposal facility.
7. The permittee shall provide for the proper maintenance and operation of the municipal solid waste disposal facility in accordance with the provisions of OAC Chapter 3745-27.
8. Nothing in this permit approval shall be interpreted to release the permittee from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code (ORC); 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 laws for remedying conditions resulting from any release of contaminants to the environment.
9. This permit approval does not include approval for the acceptance of any hazardous or infectious waste, except for those excluded from hazardous or infectious waste regulation by ORC Chapter 3734.
10. This permit approval does not provide for the acceptance of any asbestos or asbestos-containing material that is subject to the provisions of NESHAP, 40 CFR Part 61, Subpart M. No such asbestos or asbestos-containing waste material may be accepted without first obtaining the necessary permits from Ohio EPA.

11. Ohio EPA, Northeast District Office (NEDO) and the Lorain County Health Department shall be notified in writing of the construction starting date prior to the start of construction on each of the facility's phases so that construction of this facility can be routinely inspected by Ohio EPA, NEDO and the Lorain County Health Department before the phases are placed in operation.
12. The permittee shall provide for the following inspections and facility maintenance:
 - a. The permittee shall provide for daily inspection of the disposal facility and completion of the Municipal Solid Waste Landfill Facility Daily Log of Operations - Form 3. Written results of the inspections, including any corrective measures employed, shall be made available to Ohio EPA, NEDO or the Lorain County Health Department upon request.
 - b. Surface water control structures, including sedimentation ponds, sedimentation pond discharge structures, pipes, ditches, and culverts, shall be inspected at least monthly for erosion, clogging, or failure, and prompt corrective action shall be taken if necessary. A log including inspection results, corrective measures, and the date and weather conditions during any water quality sampling shall be maintained and submitted to Ohio EPA, NEDO or the Lorain County Health Department, upon request.
 - c. To ensure proper operation of sedimentation ponds, the ponds shall be cleaned out completely annually, or when the volume of the settled particles necessitates cleaning based either on inspection results or to maintain the storage volume required by OAC Rule 3745-27-08(C)(6)(d)(i).
13. The permittee shall perform the following activities during construction and operation of the facility in accordance with the cited provisions of OAC Chapter 3745-27:
 - a. The test pad required by OAC Rule 3745-27-08(C)(1)(m) shall be constructed and a report containing the test results shall be submitted to Ohio EPA, NEDO no later than 14 days prior to the initial construction date of the landfill component which the test pad models.
 - b. The earthen material tests required by OAC Rule 3745-27-08(D) shall be performed and the results submitted to Ohio EPA, NEDO no later than seven days prior to the intended use of the material in construction.
 - c. The construction certification report required by OAC Rule 3745-27-08(H) shall be submitted to Ohio EPA, NEDO and the Lorain County Health

Department no later than 45 days prior to the anticipated date of waste receipt in the newly constructed phases.

14. This permit does not authorize leachate recirculation in any disposal areas authorized by this permit that are outside the limits established by the Leachate Recirculation Plan approved April 11, 2002. Prior to introduction of recirculated leachate in any other disposal areas, written authorization must be obtained from Ohio EPA.
15. Prior to waste acceptance in any disposal area newly authorized by this permit approval, the permittee shall execute and fund a financial assurance instrument meeting the requirements of OAC Rules 3745-27-15, 3745-27-16, and 3745-27-17.
16. Pursuant to ORC Sections 3745.11(Q) and (V), payment of the solid waste permit-to-install fee balance, in the amount of \$79,600.00 payable to "Treasurer, State of Ohio", shall be submitted to Ohio EPA, Attn: Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049. The fee balance shall be submitted within 30 days of the effective date of this permit approval. Failure to timely submit the required permit fee balance will result in assessment of late penalties in accordance with ORC Sections 3745.11(Q) and (V).

END OF PERMIT CONDITIONS

Response to Comments Received for PTI Application Number 02-15346 for the BFIO Lorain County II Landfill Located in Lorain County

On August 5, 2002, the Ohio Environmental Protection Agency (Ohio EPA) issued a draft Permit-to-Install (PTI) for a lateral and vertical expansion of the Lorain County II Landfill submitted by Browning-Ferris Industries of Ohio, Inc. (BFIO). In addition to a public hearing being held on September 17, 2002, public comments were originally to be accepted until September 26, 2002. During the public hearing, comments for the record were received from one citizen, Mr. David Ashenhurst. Electronic comments were received from Civil and Environmental Consultants, Inc. (CEC) on behalf of BFIO on September 26, 2002. Written comments from the Lorain County Board of Commissioners were received on October 8, 2002. This responsiveness summary addresses all comments raised by the various parties.

For questions regarding this responsiveness summary or the PTI, please contact Mr. Jerry Parker in the Division of Solid and Infectious Waste Management at (330) 963-1186 or at jerry.parker@epa.state.oh.us. For any other environmental concerns, please contact Mr. Mike Settles in the Public Interest Center at (614) 644-2160 or at mike.settles@epa.state.oh.us.

- 1. Provide the following information for the PTIs that have been approved for the Lorain County II Landfill: name of PTI, PTI Number, approval date and capacity.**
 1. Original PTI Number 02-1170, approved April 27, 1984, capacity-17,434,250 cubic yards (cy).
 2. EIPTI Number 02-7318, approved April 6, 1994, no capacity change.
 3. EIPTI Number 02-8388, approved December 20, 1994, no capacity change.
 4. 10-Year Anniversary EIPTI/AMDWR Increase Number 02-8972, approved April 4, 1996, capacity-1,743,420 cy, AMDWR increase from 3,100 to 4,000 tons per day.
 5. Northern Expansion PTI Number 02-12176, approved September 26, 2000, capacity-17,110,000 cy.
 6. AMDWR Increase PTI Number 02-15293, approved July 20, 2001, AMDWR increase from 4,000 to 6,500 tons per day.

- 2. Explain the "life expectancy" of the existing landfill and the proposed expansion based on both the "Authorized Maximum Daily Waste Receipt" (AMDWR) and average annual gate receipts.**

The "Authorized Maximum Daily Waste Receipt" (AMDWR) for the Lorain County II Landfill is 6,500 tons. According to the 2001 annual report submitted to Ohio EPA by BFIO, the landfill had 8.2 years of life left based on the AMDWR or 17.8 years left

based on the actual amount of waste accepted during 2001. The proposed expansion will add an additional 5 years based on the AMDWR, or 10.6 years based on the average yearly acceptance rate. Therefore, the total life of the landfill (remaining plus expansion volume) based on the AMDWR is 13.2 years, or 28.4 years based on the average annual landfill usage.

- 3. The agenda of the Public Hearing should be revised to include an Ohio EPA presentation which includes a discussion of any revisions to the permit application since the Information Session.**

Ohio EPA held the information session at Oberlin High School on January 30, 2002. At that meeting, those in attendance were given a "Solid Waste Landfill Permit-to-Install Process" fact sheet. It described the public involvement process and provided contact information for any questions or comments regarding that process. During the information session, the permitting process and the specifics of BFIO's permit-to-install application were described in detail. It is not uncommon for a permit to be revised during the PTI application process. If substantial revisions have been proposed during the review period, Ohio EPA may choose to hold another public information session. The revisions made to this permit after the January 30, 2002, public information session were not significant enough to warrant another public information session. The permit and any submitted revisions are available for public review at Ohio EPA's Northeast District Office throughout the review period. Additionally, permit reviewer Jerry Parker encouraged citizens to contact him whenever they had questions or concerns.

- 4. In terms of elevation, it appears from a sectional view at Station 21 (contained in OEPA's documentation of this PTI application) that the highest current elevation of the northern portion of the landfill is less than 800 feet above sea level, and that small peak there of over 900 feet is possible under the existing permits. It also appears that the highest current elevation of the southern portion is less than 830 feet, and the highest, permitted elevation is perhaps 890 feet. If this new permit is granted, it appears that the highest elevation authorized at the section through Station 21 will be 940 feet, and that well over half the section's elevation will be permitted at over 900 feet. Is our interpretation of these numbers correct?**

Yes, the description of the various elevations is correct.

5. **During the Information Session on January 30, 2002, there were several inquiries concerning fires at the landfill in which the City of Oberlin Fire Department had responded. Were revisions necessary to the permit application to address the issue of landfill fires that were discussed during the Information Session?**

As a result of these incidents, Ohio EPA requested that BFIO provide a response. BFIO responded in the March 28, 2002 NOD response that BFIO will coordinate quarterly site visits with the Oberlin Fire Department to review expectations of the various parties, equipment limitations, access to the working face and phasing diagrams. The revised PTI narrative also states that if necessary, BFIO and the Oberlin Fire Department would determine if additional fire departments are required to assist in controlling and/or exterminating any fire.

6. **Are there any appropriate state or local official to whom environmental impact questions of a more general nature (height of the landfill, air quality impact of the means by which waste receipt is delivered, etc.) or questions concerning the overall industry's regulation and conduct (need for the expansion) or state policy (acceptance of waste from other states) can be addressed?**

Certainly, Ohio EPA is available to discuss and share information regarding such landfill issues. You may contact Dan Harris, Chief of DSIWM at (614) 644-2621.

Although there are no specific regulations limiting the height of the landfill, Ohio EPA evaluates the final landfill grades during a review of the slope stability analysis which is required to be submitted in the PTI application. The slope stability analysis is addressed in both OAC Rule 3745-27-06(C)(4)(j) and OAC Rule 3745-27-08(C)(1)(h)(ii). The maximum allowable height of the landfill is effectively limited by the size and configuration of the landfill footprint and the slope stability analysis. Ohio EPA is unaware of any other state agency that regulates landfill height. As for air quality issues associated with the landfill, these questions should be directed to Mr. Frank Elchesen with Ohio EPA-Division of Air Pollution Control (330 963-1209).

There are no state agencies which regulate waste flow issues. Ohio EPA has no authority on whether landfills are needed or on the quantity of waste received at the facility from within the district where the landfill is located, from out-of-district, or from out-of-state. The Federal courts have ruled that limiting out-of-state waste is unconstitutional, therefore, regulatory agencies are unable to forbid out-of-state waste from going to the landfill.

Ohio Revised Code (ORC) Section 3734.52 required the formation of solid waste management districts. As with all districts, the Lorain County Waste Management District is required to ensure disposal capacity for a ten year planning period. Once this requirement is achieved, the law does not address any restrictions regarding landfill capacity. Ohio EPA and local solid waste management districts have no legal basis for restricting out-of-state or out-of-district waste as long as capacity is available. Some facility operators have entered into agreements with local communities which include voluntary limitations on the amount of out-of-district or out-of-state waste which can be accepted. Your local officials can be contacted directly to inquire whether any local laws or community agreements apply.

7. **Your draft PTI cautions that it “does not constitute expressed or implied assurances that if constructed and/or modified in accordance with those plans, specifications, and/or information accompanying the permit application, the above described source of environmental pollutants will be granted the necessary operating permits and/or licenses.” Does this mean there are additional, subsequent permitting processes with respect to the operation of this facility where in particular—with local notice and input—these other potential environmental impact can be addressed?**

In addition to the permit required by Ohio EPA's solid waste laws, additional permits and licenses may be necessary. The landfill is also required to obtain appropriate permits from the Division of Air Pollution Control (DAPC) and Division of Surface Water (DSW) and a solid waste disposal facility license from the Lorain County Health Department. Ohio EPA has issued both the appropriate air and surface water permits. Questions concerning the air pollution control PTI should be directed to Mr. Joe Loucek with Ohio EPA-DAPC (330-963-1258). Questions or concerns in regard to surface water permitting should be directed to Mr. Mike Stevens at (330-963-1143). Mr. Bill VanCuran (440-322-6367) from the Lorain County Health Department can be contacted for health department licensing issues.

8. **Permit Condition No. 15 of the draft PTI does not provide the flexibility to continue leachate recirculation activities within the BAT lined areas as delineated in the Leachate Recirculation Plan which was approved on April 11, 2002. It is proposed that the narrative be revised to allow continuation of leachate recirculation with the approved limits and to require a modification to the Leachate Recirculation Plan to incorporate the future BAT lined cells.**

The Leachate Recirculation Plan was approved as a PTI alteration on September 11, 2002. The plan altered the Ten Year Anniversary, Environmental Improvement PTI # 02-8972 issued on April 4, 1996. BFIO, therefore, is authorized to recirculate leachate until the final waste grades are achieved in BAT lined areas as specified in

that permit. In regard to leachate recirculation above these grades and in future BAT lined areas as part of the lateral and vertical expansion PTI, a PTI alteration request similar to the previous request would need to be reviewed and approved by Ohio EPA prior to implementation. Condition 14 was revised to clarify this position.