

Issuance Date: _____

Effective Date: _____

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

County Disposal (Ohio), Inc., DBA	:	Director's Final
County Environmental of Wyandot	:	Findings and Orders
11164 County Road 4	:	
Carey, Ohio 43316	:	

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are hereby issued to County Disposal (Ohio), Inc. (County Disposal) pursuant to the authority vested in the Director of Environmental Protection (Director) under section 3734.02 of the Ohio Revised Code (ORC).

II. PARTIES

These Orders shall apply to and be binding upon County Disposal and its successors in interest liable under Ohio law. No changes in ownership relating to County Disposal will, in any way, alter County Disposal's responsibilities under these Orders. County Disposal's obligations under these Orders may only be altered by the written approval of the Director.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapter 3734 and the regulations promulgated thereunder. Unless otherwise stated, all citations of the Ohio Administrative Code (OAC) shall refer to regulations currently effective.

IV. ACTION

Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-19(F), the Director hereby makes the following Findings and issues the following Orders.

V. FINDINGS

1. County Disposal is the owner of the County Environmental of Wyandot Sanitary Landfill (Facility) located at 11164 County Road 4, Carey, Wyandot County, Ohio. The Facility is a sanitary landfill facility as that term is defined in OAC Rule 3745-27-01.
2. On December 11, 2002, County Disposal submitted a letter to the Ohio Environmental Protection Agency (Ohio EPA) requesting to use a mixture of Little Scioto River dredgings and cement kiln dust (mixture) as alternative daily cover.
4. County Disposal has submitted results from the analysis of moisture, solids, pH, paint filter, phenols, reactive sulfide, reactive cyanide, TPH, TOX, TCLP metals, TCLP pesticides, PCB, total and TCLP volatiles, and total and TCLP semi volatiles and results from geotechnical testing to determine the chemical properties and engineering index properties of the material. The results of the analysis indicate that the material is capable of providing protection comparable to conventional soil cover and could be used as an alternative daily cover.
5. The United States Environmental Protection Agency (U.S. EPA) is overseeing the clean-up of the Little Scioto River in Marion, Ohio. U.S. EPA has stated that the contaminated sediments from the Little Scioto River have been classified as a non-hazardous solid waste.
6. OAC Rule 3745-27-01(B)(43) provides that, "solid waste is any unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations..." Cement kiln dust is a solid waste in accordance with OAC Rule 3745-27-01(B)(43).
7. Pursuant to OAC Rule 3745-27-01(B)(43), the mixture is a solid waste which is specifically prohibited by OAC Rule 3745-27-19(F) which states that, "daily cover material shall be non-putrescible, shall not be solid waste, and shall not contain large objects in such quantities as may interfere with its application and intended purpose."
8. OAC Rule 3745-27-19(F)(3) allows the Director to approve alternative materials for use as daily cover if it can be demonstrated, to the satisfaction of the director, that the material provides protection comparable to conventional soil cover and is protective of human health and the environment.
9. ORC Section 3734.02(G) provides that the Director may, by order, exempt any person generating, storing, treating, disposing of, or transporting solid wastes in such quantities or under such circumstances that, in the determination of the Director, are

unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or license or comply with other requirements of ORC Chapter 3734.

10. Because the mixture is capable of providing protection comparable to conventional soil cover, and since County Disposal shall comply with the Orders specified below, issuance of an exemption from the requirement of OAC Rule 3745-27-19(F), which prohibits the use of solid waste as daily cover, is unlikely to adversely affect the public health or safety or the environment.

VI. ORDERS

1. Pursuant to ORC Section 3734.02(G), County Disposal is hereby exempted from the requirement of OAC Rule 3745-27-19(F), which prohibits the use of solid waste for use as daily cover, provided County Disposal complies with Orders No. 2 through 14, below.
2. County Disposal shall only use the mixture at the Facility that is consistent with the waste characterization profile included in the December 11, 2002, submittal. The mixture shall be tested annually for the same chemical analysis and geotechnical testing completed within the alternative daily cover request dated December 11, 2002, and the results shall be similar to the December 2002 testing results, in order to continue the use of the mixture as alternative daily cover at the Facility. Annual testing results shall be submitted as part of the annual operations report by April 1st of each year and inserted into the operating record to document that this condition has been satisfied. Only the mixture from this U.S. EPA project may be used and no other solid waste may be used as daily cover without prior approval from Ohio EPA.
3. If County Disposal determines that the mixture is not satisfactory in controlling fire hazards, blowing litter, odors, insects, dust, birds or other vectors due to temporary site conditions, County Disposal shall immediately revert to the daily cover requirements of OAC Rule 3745-27-19(F) until conditions improve such that the mixture can perform effectively. Temporary conditions may include, but are not limited to, weather conditions that could adversely affect the performance of the mixture. Under such conditions, County Disposal may apply another alternative daily cover material that has been approved for use at the Facility, provided the alternative daily cover material is able to perform effectively under the inclement conditions.
4. If County Disposal determines the mixture is ineffective or unsatisfactory under normal operating conditions, County Disposal shall immediately cease using the mixture as alternative daily cover material and revert to using conventional soil cover or another

approved alternative daily cover material in accordance with OAC Rule 3745-27-19(F). Under such circumstances, County Disposal may apply another alternative daily cover material that has been approved for use at the Facility by Ohio EPA. County Disposal shall verbally notify Ohio EPA, Northwest District Office (NWDO) of this action by the end of the next working day and shall submit written notification to Ohio EPA, NWDO within 14 calendar days. This notification is not necessary if use of the mixture ceases on a temporary basis in accordance with Order No. 3, above.

5. If Ohio EPA or the Wyandot County Health Department determines that the use of the mixture as alternative daily cover is ineffective or otherwise unsatisfactory under normal operating conditions, the exemption granted in Order No. 1, above, to use mixture as alternative daily cover may be revoked upon written notification of the Director. Immediately upon such revocation, County Disposal shall cease using the mixture as alternative daily cover material at the Facility and shall revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, County Disposal may apply another alternative daily cover material that has been approved for use at the Facility.
6. A volume of the mixture, sufficient to apply six inches of cover on the working face, may be temporarily stockpiled beside the working face until it can be applied as cover on the day it is received at the Facility. Any mixture not used for daily cover on the day of receipt must be disposed of at the working face upon acceptance into the Facility by the end of the day. All temporarily stockpiled material shall be placed in a location beside the working face to allow run-off from the material to be directed to the leachate collection system.
7. The mixture shall not be used as intermediate or final cover. The mixture shall not be exposed for more than seven consecutive days. Any solid waste disposal area which remains inactive for a period of seven days and that has the mixture as alternative daily cover material 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.
8. The mixture shall be applied in layers with a minimum six inches of thickness. Daily cover must be prepared so as not to impede flow to the leachate management system within the limits of solid waste placement prior to the placement of the next layer of solid waste in that area. All water coming in contact with waste or the mixture shall be collected as leachate. The use of the mixture as alternative daily cover shall only occur on internal slopes where run-off is directed to the leachate collection system.
9. Use or disposal of the mixture shall be counted against the Facility's authorized maximum daily waste receipt of 3,500 tons.

10. County Disposal shall comply, at all times, with Ohio EPA, Division of Surface Water regulations adopted pursuant to ORC Chapter 6111.
11. No later than 120 days from the effective date of these Orders, a certification report shall be submitted to Ohio EPA, NWDO comparing the effectiveness of the mixture to traditional soil cover and to other alternative daily covers that have been used at the Facility. If, as provided in Order No. 5, above, County Disposal ceases to use the material prior to the end of the 120-day period, the report shall be due not later than 30 days after its use ceases.
12. At least one photograph of the working face shall be taken each day after the mixture has been applied during the first 120 days after the effective date of these Orders. These photographs shall be made available to Ohio EPA upon request and shall be included in the certification report.
13. The exemption granted in Order No. 1, above, shall terminate 180 days after the effective date of these Orders unless County Disposal receives concurrence in writing for continued use based on Ohio EPA's review of the certification report required by Order No. 11, above.
14. Nothing in these Findings and Orders shall be construed to authorize any waiver from any other requirements of applicable state solid waste laws or regulations except as specified herein. This exemption shall not be interpreted to release County Disposal 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. Nothing in these orders shall be construed to indicate that County Disposal has operated, is operating, or will operate the facility in compliance with applicable laws, regulations, and authorizing documents.

IT IS SO ORDERED

Christopher Jones
Director