



State of Ohio Environmental Protection Agency

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Columbus, Ohio 43216-1049

Dave Vossmer, General Manager  
Browning-Ferris Industries of Ohio, Inc.  
530 North Camp Road  
Port Clinton, Ohio 43452

**Re: Ottawa County Landfill, Ottawa County  
Alternative Daily Cover Approval**

Dear Mr. Vossmer:

On January 16, 2003, the Division of Solid and Infectious Waste Management (DSIWM) at the Ohio Environmental Protection Agency's (Ohio EPA) Northwest District Office (NWDO) received a written request for authorization to use an alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) at the Ottawa County Landfill (Facility). Specifically, in the referenced request, the owner/operator is seeking authorization to use a Fabrene L257 tarp at the Facility.

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."

In your written correspondence dated January 14, 2003, you requested permission to use Fabrene L257 as alternative daily cover material at the Facility. Ohio EPA recognizes that Fabrene L257 has been approved for use as daily cover at other solid waste landfill facilities in Ohio. Based on the performance of the material at these other facilities, I have determined that the use of Fabrene L257 as an alternative form of daily cover has the potential to provide protection comparable to soil cover. Therefore, pursuant to OAC Rule 3745-27-19(F)(3), I hereby authorize the owner/operator to use Fabrene L257 as alternative daily cover material at the Facility. This authorization is subject to the following conditions:

1. This authorization is limited to the use of only Fabrene L257 at the Ottawa County Landfill. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The owner/operator shall place the Fabrene L257 over exposed waste materials by the end

Bob Taft, Governor  
Jennette Bradley, Lieutenant Governor  
Christopher Jones, Director

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 the Fabrene L257 ineffective or otherwise unsatisfactory, the owner/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/operator may apply another alternative daily cover material that has been approved for use at the Facility, provided that the alternative daily cover material is able to perform effectively under the inclement conditions.
4. If the owner/operator determines that the Fabrene L257 is ineffective or otherwise unsatisfactory, the owner/operator shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F) or another alternative daily cover material that has been approved at the Facility. The owner/operator shall notify Ohio EPA, NWDO of this action both verbally and through written communication. This notification is not necessary if the use of the Fabrene L257 ceases on a temporary basis in accordance with Condition #3.
5. If Ohio EPA determines that the use of Fabrene L257 is ineffective or unsatisfactory under normal operating conditions, then permission to use Fabrene L257 may be revoked by the Director of Environmental Protection. Immediately upon such revocation, the owner/operator shall cease using Fabrene L257 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/operator may apply another alternative daily cover material that has been approved for use at the Facility.
6. The owner/operator shall not have more than 10,000 square feet of waste covered with alternative daily cover material. This maximum area applies to the use of Fabrene L257 by itself or in combination with other alternative daily cover materials that the director has authorized to be used at the Facility.
7. Fabrene L257 shall not be used as intermediate or final cover. Any solid waste disposal area which remains inactive for a period of seven (7) days and is covered with Fabrene L257 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 owner/operator shall promptly replace or repair Fabrene L257 if it becomes frayed, torn, ripped, or otherwise rendered unuseable and is therefore no longer able to serve its intended purpose.
9. Any scrap tires used by the owner/operator to secure the alternative daily cover material must be managed in accordance with Chapter 3734 of the Ohio Revised Code and the rules

promulgated thereunder.

10. The use of Fabrene 257 as alternate daily cover material shall be documented on the required Municipal Solid Waste Disposal Facility Daily Log of Operations, Form 3 on each day it is used as alternative daily cover material.
11. 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/operator from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Revised Code; 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 is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Commission within thirty (30) days after notice of the director's action. A copy of the appeal must be served on the director within three (3) 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 Beth Skulina at Ohio EPA, NWDO at (419) 373-3141.

Sincerely,

Christopher Jones, Director

cc: Patrick Nortz, Lorain County Landfill  
Scott Hester, DSIWM, CO  
Beth Skulina, Ohio EPA, NWDO