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John R. Butler
Senior Site Engineer
Rumpke Sanitary Landfill
10795 Hughes Road
Cincinnati, Ohio 45251

**Re: Rumpke Sanitary Landfill, Hamilton County
Alternative Daily Cover (ADC) Approval, Black 4-mil Polyethylene**

Dear Mr. Butler:

On August 28, 2002, the Ohio Environmental Protection Agency (Ohio EPA) received a request from Rumpke Sanitary Landfill, Inc. (Rumpke) to use a black 4-mil Polyethylene material manufactured by Poly-America Construction Sheeting (Polyethylene material) as alternative daily cover (ADC) at its landfill (Facility) located in Hamilton County. The request was made in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b) which states, in part:

The director may approve alternative materials, other than solid waste, and/or other thicknesses for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the proposed alternative material and/or thickness provides protection that is comparable to six inches of soil and is protective of human health and the environment. .

Based on the available information, Ohio EPA believes that the Polyethylene material has the potential to provide protection comparable to six inches of soil. Furthermore, because Rumpke must comply with the conditions specified below, and because this approval is temporary, the use of the Polyethylene material as ADC will be protective of human health and the environment. Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(b), I hereby authorize Rumpke to use the Polyethylene material as ADC at the Facility for a 180-day trial period. As part of this approval, Rumpke is subject to the following conditions:

1. This approval is limited to the use of only black 4-mil Polyethylene manufactured by Poly-America Construction Sheeting at the Rumpke Sanitary Landfill located in Hamilton County. No other ADC material may be used at the Facility without prior approval from Ohio EPA.
2. This approval to use the Polyethylene material as ADC at the Facility expires 180 days after its effective date. Rumpke shall not use the Polyethylene material as ADC after that date unless Ohio EPA has approved its continued use.

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



3. Rumpke shall place the Polyethylene material 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, rodents, and other vectors. The Polyethylene material shall be secured on all four sides by weights or other means necessary to keep the Polyethylene material in place.
4. If inclement weather conditions render the placement or use of the Polyethylene material 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 Facility, provided that the material is able to perform effectively under the inclement conditions.
5. If Rumpke determines that the Polyethylene material is ineffective or otherwise unsatisfactory under normal operating conditions, 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 Facility. Rumpke shall verbally notify Ohio EPA, Southwest District Office (SWDO) and the Hamilton County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA, SWDO within 14 calendar days. This notification is not necessary if use the Polyethylene material ceases on a temporary basis in accordance with Condition 4, above.
6. If Ohio EPA determines that use of the Polyethylene material is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use the Polyethylene material may be revoked by the Director of Ohio EPA. Immediately upon such revocation, Rumpke shall cease using the Polyethylene material at the Facility 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 Facility.
7. Rumpke Sanitary Landfill shall not have more than 43,560 square feet (1 acre) of waste covered with ADC material at any one time. This maximum area applies to the use of the Polyethylene material by itself or in combination with other ADC materials that have been approved for use at the Facility.
8. The Polyethylene material shall not be used as intermediate or final cover. Any solid waste disposal area that remains inactive for a period of seven days, and which has been covered with the Polyethylene 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. Prior to applying the soil cover, the Polyethylene material shall be removed or otherwise prepared as necessary prior to the placement of the next layer of waste so as not to impede the flow of leachate to the leachate management system.
9. Not later than 120 days after the effective date of this approval, Rumpke shall submit to Ohio EPA, SWDO a report comparing the effectiveness of the Polyethylene material to conventional soil cover and other ADC materials that have been used at the Facility. If, as provided in Condition 5 or 6, above, Rumpke ceases to use the Polyethylene material prior to the end of the 180-day trial period, then the report shall be due not later than 30 days after its use ceases. In either situation, the report shall contain a discussion of the following items:

- a. Number of days the Polyethylene material was used;
 - b. Weather conditions at the time the Polyethylene material was inspected;
 - c. Number of days odors were detected;
 - d. Presence of vectors, rodents, and insects;
 - e. Any increase in blowing litter; and
 - f. Method(s) for controlling fire during use of the Polyethylene material.
10. Photographs of the working face shall be taken from at least two opposing sides after each time the Polyethylene material has been applied. These photographs shall be included in the report required by Condition 9, above.
 11. The use and location of the Polyethylene material shall be documented on the Municipal Solid Waste Disposal Facility Daily Log of Operations, Form 3. This document shall also include a map that shows where and when the Polyethylene material was used as ADC relative to the working face.
 12. Nothing in this approval shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations. This approval shall not be interpreted to release Rumpke from responsibility under Ohio Revised Code (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 Ohio EPA 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 grounds 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
309 South Fourth Street
Room 222
Columbus, Ohio 43215

In the event that Rumpke finds the Polyethylene material to be acceptable and wishes to continue its use, approval for on-going use beyond the 180-day trial period is required. In order to avoid temporary discontinuance of the use of the Polyethylene material, Ohio EPA recommends that Rumpke submit a request for continued use at least 45 days prior to the end of the trial period.

If you have any questions regarding this approval, please contact Joleen Cook of Ohio EPA's Southwest District Office at (937) 285-6071.

Sincerely,

Christopher Jones
Director

cc: Tracy Buchanan, DSIWM, SWDO
Joleen Cook, DSIWM, SWDO
Holly Hillyer, DSIWM, SWDO
Scott Hester, DSIWM, CO
Dave Nutini, Hamilton County Health Department