



State of Ohio Environmental Protection Agency

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Mr. Sayed Jafry, District Engineer
Evergreen Recycling and Disposal Facility
Waste Management of Ohio, Inc.
2625 East Broadway Street
Northwood, Ohio 43619

**Re: Evergreen Recycling and Disposal Facility, Wood County
Alternative Daily Cover Temporary Approval**

Dear Mr. Jafry:

On September 15, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received your request for authorization to use PacTec FR tarps as alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b) at the Evergreen Recycling and Disposal Facility (Facility) located in Wood County. Ohio EPA requested a clarification in a letter dated October 26, 2004. The requested information was received on October 29, 2004.

OAC Rule 3745-27-19(F)(3)(b) states, "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."

In your written correspondence dated October 29, 2004, you requested permission to use PacTec 14 mil, 7.7 oz/yd² Medium Weight FR HDPE Woven Scrim and PacTec 23 mil, 12.1 oz/yd² Heavyweight FR HDPE Woven Scrim as alternative daily cover material at the Facility. Ohio EPA recognizes that these tarps have the potential to provide protection comparable to six (6) inches of soil as required by OAC Rule 3745-27-19(F). Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(b), I hereby authorize Evergreen Recycling and Disposal Facility to use the aforementioned tarps as an alternative to six (6) inches of soil for daily cover at the Facility for a trial period to end one hundred eighty (180) days from the effective date of this authorization.

As part of this temporary approval, Evergreen Recycling and Disposal Facility is subject to the following conditions:

CONDITIONS

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

1. This authorization is limited to the use of PacTec 14 mil, 7.7 oz/yd² Medium Weight FR HDPE Woven Scrim and PacTec 23 mil, 12.1 oz/yd² Heavyweight FR HDPE Woven Scrim (hereafter collectively referred to as PacTec Tarps) at the Evergreen Recycling and Disposal Facility. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.
2. Evergreen Recycling and Disposal Facility shall place PacTec Tarps 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 render the placement or use of PacTec Tarps ineffective or otherwise unsatisfactory, Evergreen Recycling and Disposal Facility 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, Evergreen Recycling and Disposal Facility 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 Evergreen Recycling and Disposal Facility determines that PacTec Tarps are ineffective or otherwise unsatisfactory under normal operating conditions, the owner or operator shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, Evergreen Recycling and Disposal Facility may apply another alternative daily cover material that has been approved for use by Ohio EPA at the Facility. Evergreen Recycling and Disposal Facility shall verbally notify Ohio EPA, NWDO and the Wood County Local Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA, NWDO within fourteen (14) calendar days. This notification is not necessary if the use of PacTec Tarps ceases on a temporary basis in accordance with Condition Number 3, above.
5. If Ohio EPA or the Wood County Health Department determines that the use of PacTec Tarps is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use PacTec Tarps may be revoked upon written notification from the Director of Environmental Protection. Immediately upon such revocation, Evergreen Recycling and Disposal Facility shall cease using PacTec Tarps 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, Evergreen Recycling and Disposal Facility may apply another alternative daily cover material that has been approved for use at the Facility.
6. The Evergreen Recycling and Disposal Facility shall not have more than 30,000 square feet of waste covered with alternative daily cover material at any one time. This maximum area applies to the use of PacTec Tarps alone or in combination with other alternative daily cover materials that the director has authorized to be used at the Facility.

7. Evergreen Recycling and Disposal Facility shall promptly repair or replace PacTec Tarps if they become frayed, torn, ripped, or otherwise rendered unusable and are, therefore, no longer able to serve their intended purpose.
8. Evergreen Recycling and Disposal Facility shall not use PacTec Tarps as intermediate or final cover. Any solid waste disposal area that remains inactive for a period of seven (7) days, and which has been covered with PacTec Tarps, shall be covered with at least six (6) 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 PacTec Tarps 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 one hundred twenty (120) days after the effective date of this authorization, Evergreen Recycling and Disposal Facility shall submit to Ohio EPA, NWDO a report comparing the effectiveness of the PacTec Tarps to conventional soil cover and other alternative daily cover materials that have been used at the Facility. The report shall contain, at a minimum, a discussion of the following items:
 - the number of days each of the materials was used
 - weather conditions at the time placement of the material was evaluated for effectiveness as daily cover
 - number of days odors were detected
 - presence of vectors, rodents, and insects
 - any increase in blowing litter
 - method(s) for controlling fire during use of alternative daily cover material.
10. Photographs of the working face shall be taken from at least two opposing sides after PacTec Tarps have been applied. At least four such series of photographs shall be taken during the trial period. These photographs shall be included in the report required by Condition Number 9, above.
11. The use and location of PacTec Tarps shall be documented on the Municipal Solid Waste Disposal Facility Daily Log of Operations, Form 3.
12. Any scrap tires used by Evergreen Recycling and Disposal Facility to secure the alternative daily cover material shall be managed in accordance with Chapter 3734 of the Ohio Revised Code (ORC) and the rules promulgated thereunder.
13. This authorization to use PacTec Tarps expires one hundred eighty (180) days after its

effective date. Evergreen Recycling and Disposal Facility shall not use PacTec Tarps as alternative daily cover at the Facility after that date, unless it requests and receives approval for continued use of the material.

14. 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 approval shall not be interpreted to release Evergreen Recycling and Disposal Facility 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 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 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 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
309 South Fourth Street
Room 222
Columbus, Ohio 43215

In the event that Evergreen Recycling and Disposal Facility finds the use of PacTec Tarps to be acceptable and wishes to continue their use as alternative daily cover at the Facility, authorization for on-going use of this material after the 180-day trial period is required. In order to avoid temporary discontinuance of the use of PacTec Tarps, Ohio EPA recommends that the Facility submit a request for continued use at least forty-five (45) days prior to the end of the 180-day trial period.

If you have any questions regarding this authorization, please contact Kimberly Burnham of Ohio EPA, NWDO at (419) 373-3049.

Sincerely,

Joseph P. Koncelik
Director

JPK/KB/KM/sw

cc: Kimberly Burnham, DSIWM - NWDO
Scott Hester, DSIWM-CO
Jim Konopinski, Wood County Health Department