



State of Ohio Environmental Protection Agency

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

**RE: Rumpke Sanitary Landfill, Hamilton County
Alternative Daily Cover Approval for Black 4-mil Polyethylene Sheeting**

Dear Mr. Butler:

On August 28, 2002, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a request to permanently use black 4-mil polyethylene sheeting as alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b) at Rumpke Sanitary Landfill (Facility) in Hamilton County.

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."

By letter dated May 17, 2004, Ohio EPA issued an approval to use black 4-mil polyethylene sheeting for a 180-day trial period. During this period, the performance of the ADC material was monitored by Ohio EPA and the Hamilton County Health District to determine the material's effectiveness and its ability to function in the manner intended. On September 8, 2004, Ohio EPA, DSIWM, SWDO received a Request for Continued Use and a 120-day usage report, and on October 31, 2004, received the complete package of information required by the 180 day trial authorization.

Based on the results of Ohio EPA's and the Hamilton County General Health District's monitoring and the information contained in the submittals, I have determined that black 4-mil polyethylene sheeting functioned effectively as an ADC material. Therefore, pursuant to OAC Rule 3745-27-19(F)(3), I hereby approve the continued use of black 4-mil polyethylene sheeting as ADC at the Facility. As part of this approval, the owner/operator is subject to the following conditions:

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

1. This authorization is limited to the use of only black 4-mil polyethylene sheeting at Rumpke Sanitary Landfill. No other alternative daily cover material may be used at the Rumpke Sanitary Landfill without prior authorization from Ohio EPA.
2. The owner/operator shall place black 4-mil polyethylene sheeting 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 black 4-mil polyethylene sheeting shall be secured on all four sides by weights or other means necessary to keep the material in place.
3. If inclement weather conditions render the placement or use of black 4-mil polyethylene sheeting 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 black 4-mil polyethylene sheeting is ineffective or otherwise unsatisfactory under normal operating conditions, the owner/operator shall immediately 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 by Ohio EPA at the Facility. The owner/operator shall verbally notify Ohio EPA, SWDO and the Hamilton County General Health District of this action by the end of the next working day and shall submit written notification to Ohio EPA, SWDO within fourteen (14) calendar days. This notification is not necessary if the use of black 4-mil polyethylene sheeting ceases on a temporary basis in accordance with Condition Number 3.
5. If Ohio EPA determines that the use of black 4-mil polyethylene sheeting is ineffective or unsatisfactory under normal operating conditions, then permission to use black 4-mil polyethylene sheeting may be revoked by the Director of Environmental Protection. Immediately upon such revocation, the owner/operator shall cease using black 4-mil polyethylene sheeting 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. Rumpke Sanitary Landfill shall not have more than 43,560 square feet (1 acre) of waste covered with alternative daily cover material at any one time. This maximum area applies to the use of black 4-mil polyethylene sheeting by itself or in combination with other alternative daily cover materials that the director has authorized to be used at Rumpke Sanitary Landfill.
7. The owner/operator shall promptly replace the ADC material if it becomes frayed, torn, ripped, or otherwise rendered unuseable and is, therefore, no longer able to serve its intended purpose.

8. Black 4-mil polyethylene sheeting shall not be used 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 black 4-mil polyethylene sheeting, 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 black 4-mil polyethylene sheeting 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. Nothing in this approval shall be construed to authorize any waiver from the requirements of any 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 Ohio Revised Code; under the Federal Clean Water Act, Resource Conservation and Recovery Act, or 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
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Joleen Cook of Ohio EPA, SWDO at (937) 285-6071.

Sincerely,

Joseph P. Koncelik
Director

JPK/JC/KM/sw

cc: Tracy Buchanan, DSIWM-SWDO
Russ Brown, DSIWM-SWDO
Holly Hillyer, DSIWM-SWDO
Scott Hester, DSIWM-CO
Dave Nutini, Hamilton County Health Department