



State of Ohio Environmental Protection Agency

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P.O. Box 1049
Columbus, Ohio 43216-1049

Ms. Cathy A. Hardy
Waste Management of Ohio, Inc.
1700 N. Broad Street
Fairborn, Ohio 45324

**Re: Stony Hollow RDF, Montgomery County
Alternative Daily Cover Approval**

Dear Ms. Hardy:

On April 15, 2005, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO) received your written request for approval to use lead-impacted soil as alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(a) at the Stony Hollow RDF (Facility) located in Montgomery County. Analytical data from soil testing was included in the submittal to Ohio EPA.

OAC Rule 3745-27-19(F)(3)(a) states, "The director may approve solid waste to be used as an alternative material for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the solid waste material proposed for use can provide protection comparable to six inches of soil and is protective of human health and the environment. The owner or operator must obtain written approval to use solid waste for alternative daily cover prior to utilizing the solid waste."

Ohio EPA has reviewed the information contained in the request and the analytical data, and we have determined that the lead-impacted soil has the potential to function effectively as alternative daily cover material and provide protection comparable to six inches of soil as required by OAC Rule 3745-27-19(F)(3)(a). Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(a), I hereby approve the use of lead-impacted soil as alternative daily cover material at the Facility.

As part of this approval, the owner or operator is subject to the following conditions:

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

CONDITIONS

1. This approval only authorizes the owner or operator to use the lead-impacted soil, as specified in Condition Number 2, as alternative daily cover material at the Stony Hollow RDF. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall use only lead-impacted soil from remediation activities conducted at the Cincinnati Country Day School by the Camargo Club Facility, and which is currently stockpiled at the Camargo Club Facility located at 8605 Shawnee Run Road, Cincinnati, Ohio, as described in the request received by Ohio EPA on April 15, 2005.
3. The owner or operator shall place the lead-impacted soil 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.
4. If inclement weather conditions render the placement or use of the lead-impacted soil ineffective or otherwise unsatisfactory, the owner or 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 or operator may apply another alternative daily cover material that has been approved for use at the Facility, provided that it is able to perform effectively under the inclement conditions.
5. If the owner or operator determines that the lead-impacted soil is 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, the owner or operator may apply another alternative daily cover material that has been approved for use by Ohio EPA at the Facility. The owner or operator shall verbally notify Ohio EPA, SWDO of this action by the end of the next working day and shall submit written notification to Ohio EPA, SWDO not later than fourteen (14) calendar days after the action has been undertaken. This notification is not necessary if the use of the lead-impacted soil ceases on a temporary basis in accordance with Condition Number 4, above.
6. If Ohio EPA or the Combined Health District of Montgomery County determines that the use of the lead-impacted soil is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use the material may be revoked upon written notification from the director of Ohio EPA. Immediately upon such revocation, the owner or operator shall cease using the lead-impacted soil 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, the owner or operator may apply another alternative daily cover material that has been approved for use at the Facility.

7. Any water which comes into contact with the lead-impacted soil, either during use as alternative daily cover material or during storage, shall be directed into the leachate collection system.
8. The owner or operator shall not use the lead-impacted soil as intermediate or final cover. Prior to placing additional waste in a disposal area, the lead-impacted soil shall be removed or otherwise prepared as necessary prior to placement of the next layer of waste so as not to impede the flow of leachate to the leachate management system.
9. The owner or operator shall collect and remit the applicable state and local solid waste disposal and/or management fees for any lead-impacted soil disposed at the Facility or used as alternative daily cover material.
10. Any lead-impacted soil brought to the Facility for disposal or use as alternative daily cover material shall be counted toward the Facility's authorized maximum daily waste receipt.
11. The use and location of the lead-impacted soil as alternative daily cover shall be documented on the required Municipal Solid Waste Landfill Daily Log of Operations, Form 3 on each day it is used as alternative daily cover material.
12. Nothing in this letter 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 or operator 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.

END OF CONDITIONS

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 (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 the 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

Ms. Cathy Hardy
Stony Hollow RDF
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If you have any questions regarding this approval, please contact Cheryl Allen of Ohio EPA, SWDO at (937) 285-6650.

Sincerely,

Joseph P. Koncelik
Director

cc: Jeff Mullins, Combined Health District of Montgomery County
Thomas Terp, Taft, Stettinius, & Hollister LLP
Steve Rinninger, U.S.EPA
Cheryl Allen, DSIWM-SWDO
Scott Hester, DSIWM-CO