



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

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

Ms. Michelle Hughes-Tucker
Manager, Landfill Operations
Hoffman Road Landfill
3962 Hoffman Road
Toledo, Ohio 43611

**Re: Hoffman Road Landfill, Lucas County
Alternative Daily Cover Material Approval**

Dear Ms. Hughes-Tucker:

On December 8, 2005, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a request for approval to use Finn Enviro-Cap spray-on slurry as alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b) at Hoffman Road Landfill (Facility) in Lucas County. Specifically, the request was for approval to continue to use Finn Enviro-Cap spray-on slurry as alternative daily cover material beyond the one hundred eighty (180) day trial period previously authorized by Ohio EPA on June 29, 2005.

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 the June 29, 2005 approval, Ohio EPA authorized the use of the Finn Enviro-Cap spray-on slurry as alternative daily cover material at the Facility for a one hundred eighty (180) day trial period. During this period, the Toledo-Lucas County Health Department (TLCHD) monitored the performance of the Finn Enviro-Cap spray-on slurry to determine its effectiveness and ability to function as alternative daily cover material. In December 2005, the owner or operator of the Facility submitted to Ohio EPA, DSIWM, NWDO a complete performance report, as required by the June 2005 approval, describing the effectiveness of the Finn Enviro-Cap spray-on slurry.

Based on the results of TLCHD's monitoring and the information contained in the request and performance report, Ohio EPA has determined that the Finn Enviro-Cap spray-on slurry functioned effectively as alternative daily cover material. Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(b), I hereby approve the on-going use of the Finn Enviro-Cap spray-on-slurry as alternative daily cover material at the Facility.

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

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

1. This authorization is limited to the use of only Finn Enviro-Cap spray-on slurry at the Hoffman Road Landfill. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall place the Finn Enviro-Cap spray-on slurry over exposed waste materials by the end of the working day, or more frequently as necessary, to control fire hazards, blowing litter, odors, dust, insects, rodents, and other vectors.
3. If inclement weather conditions render the placement or use of the Finn Enviro-Cap spray-on slurry 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 the alternative daily cover material is able to perform effectively under the inclement conditions.
4. If the owner or operator determines that the Finn Enviro-Cap spray-on slurry 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 at the Facility. The owner or operator shall verbally notify Ohio EPA, NWDO and TLCHD of this action by the end of the next working day and shall submit written notification to Ohio EPA, NWDO and TLCHD within fourteen (14) calendar days. This notification is not necessary if the use of the Finn Enviro-Cap spray-on slurry ceases on a temporary basis in accordance with Condition Number 3.
5. If Ohio EPA or TLCHD determines that the use of the Finn Enviro-Cap spray-on slurry is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use Finn Enviro-Cap spray-on slurry may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, the owner or operator shall cease using the Finn Enviro-Cap spray-on slurry 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.
6. The owner or operator shall not cover more than 43,560 square feet [one (1) acre] of waste with alternative daily cover material at any one time. This maximum area applies to the use of the Finn Enviro-Cap spray-on slurry alone or in combination with other alternative daily cover materials that the Director has authorized for use at the Facility.

7. Finn Enviro-Cap spray-on slurry 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 that has been covered with the Finn Enviro-Cap spray-on slurry 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 Finn Enviro-Cap spray-on slurry 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.
8. The use and location of the Finn Enviro-Cap spray-on slurry shall be documented on the required Municipal Solid Waste Landfill Daily Log of Operations, Form 3 each day it is used as alternative daily cover material.
9. 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.

You are hereby notified that this action of the Director 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. The appeal 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 Mike Reiser of Ohio EPA, DSIWM, NWDO at (419) 373-3126.

Sincerely,

Joseph P. Koncelik
Director

pc: Mike Reiser, DSIWM, NWDO
Ellen Gerber, DSIWM, NWDO
Scott Hester, DSIWM, CO
Jodi Vaughan, Toledo-Lucas County Health Department