



State of Ohio Environmental Protection Agency

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Mr. Tim Loveland
Apex Sanitary Landfill
11 County Road 78
Amsterdam, Ohio 43903

**RE: Apex Sanitary Landfill, Jefferson County
Alternative Daily Cover Temporary Approval**

Dear Mr. Loveland:

On January 5, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southeast District Office (SEDO) received your request for authorization to use Nico-Fab Truck Cover Fabric 15 mil, 6.2 oz/sq yd; Fabrene RTGRPN9N9 24 mil, 9.2 oz/sq yd, and Propex 2006 30 mil, 7.79 oz/sq yd tarps (collectively Tarps) as alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b) at the Apex Sanitary Landfill (Facility) in Jefferson 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."

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 the owner or operator of the Apex Sanitary Landfill to use the 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, the owner or operator is subject to the following conditions:

CONDITIONS

1. This authorization is limited to the use of Nico-Fab Truck Cover Fabric 15 mil, 6.2 oz/sq yd; Fabrene RTGRPN9N9 24 mil, 9.2 oz/sq yd, and Propex 2006 30 mil, 7.79

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

oz/sq yd tarps (Tarps) at the Apex Sanitary 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 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 the Tarps 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 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, 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, SEDO of this action by the end of the next working day and shall submit written notification to Ohio EPA, SEDO not later than fourteen (14) calendar days after the action has been taken. This notification is not necessary if the use of the Tarps ceases on a temporary basis in accordance with Condition Number 3, above.
5. If Ohio EPA determines that the use of the Tarps is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use the Tarps 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 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, 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 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 the Tarps alone or in combination with other alternative daily cover materials that the director has authorized to be used at the Facility.
7. The owner or operator shall promptly repair or replace the Tarps if they become frayed, torn, ripped, or otherwise rendered unusable and are, therefore, no longer able to serve their intended purpose.

8. The owner or operator shall not use the 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 the 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 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, the owner or operator shall submit to Ohio EPA, SEDO a report comparing the effectiveness of the 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:
 - A. the number of days each of the materials was used
 - B. weather conditions at the time placement of the material was evaluated for effectiveness as daily cover
 - C. number of days odors were detected
 - D. presence of vectors, rodents, and insects
 - E. any increase in blowing litter
 - F. method(s) for controlling fire during use of alternative daily cover material.
10. Photographs from at least two opposing sides of the working face shall be taken of the working face each day that the Tarps have been applied. At least four such series of photographs shall be included in the report required by Condition Number 9, above, for the Tarps used during the trial period. If the Tarps were used for fewer than four days during the trial period, the owner or operator shall include the photographs, for each day the Tarps were used, in the report required by Condition Number 9, above.
11. The use and location of the Tarps shall be documented on the Municipal Solid Waste Landfill Facility Daily Log of Operations, Form 3 on each day the Tarps are used as alternative daily cover material.
12. Any scrap tires used by the owner or operator to secure the Tarps shall be managed in accordance with Chapter 3734 of the Ohio Revised Code (ORC) and the rules promulgated thereunder.
13. This authorization to use the Tarps expires one hundred eighty (180) days after its effective date. The owner or operator shall not use the Tarps as alternative daily cover at the Facility after that date, unless the owner or operator 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 the owner or operator 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 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 the owner or operator finds the use of the 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 beyond the one hundred eighty (180) day trial period is required. In order to avoid temporary discontinuance of the use of the Tarps, Ohio EPA recommends that the owner or operator submit a request for continued use at least forty-five (45) days prior to the end of the one hundred eighty (180) day trial period.

If you have any questions regarding this authorization, please contact Peter C. Thompson, of Ohio EPA, SEDO, at (740) 380-5219.

Sincerely,

Joseph P. Koncelik
Director

JPK/MG/sw

cc: Peter C. Thompson, DSIWM - SEDO
Scott Hester, DSIWM - CO
Bruce Misselwitz, Jefferson County Health Department