



State of Ohio Environmental Protection Agency

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

Ms. Elena R. Goodhall, District Engineer
County Environmental of Wyandot Landfill
11164 County Road 4
Carey, Ohio 43316

**Re: County Environmental of Wyandot Landfill, Wyandot County
Alternative Daily Cover Material Approval**

Dear Ms. Goodhall:

On May 2, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), received your request for approval to use contaminated soil as an alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) at County Environmental of Wyandot Landfill (Facility) located in Wyandot County. Specifically, the request was for approval to use petroleum-contaminated soil resulting from the clean-up of the Kirby tire site located in Wyandot County (hereinafter referred to as Contaminated Soil).

OAC Rule 3745-27-19(F)(3)(a) states, "The director may approve solid waste to be used as 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 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 has determined that the Contaminated 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 the Contaminated Soil as alternative daily cover material at the Facility.

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

CONDITIONS

1. This approval only authorizes the owner or operator to use the Contaminated Soil, as specified in Condition Number 2, as alternative daily cover material at the County Environmental of Wyandot Landfill. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.

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

County Environmental of Wyandot Landfill
Alternative Daily Cover Material Approval
Page 2 of 3

2. The owner or operator shall use only petroleum-contaminated soil resulting from the clean-up of the Kirby tire site located in Wyandot County (Contaminated Soil) as alternative daily cover material at the Facility. The Contaminated Soil shall be consistent with the waste characterization profile included in the May 2, 2006, submittal.
3. The owner or operator shall place the Contaminated Soil 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.
4. If inclement weather conditions render the placement or use of the Contaminated 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 the alternative daily cover material is able to perform effectively under the inclement conditions.
5. If the owner or operator determines that the Contaminated 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 at the Facility. The owner or operator shall verbally notify Ohio EPA, NWDO and the Wyandot County Health District of this action by the end of the next working day and shall submit written notification to Ohio EPA, NWDO and the Wyandot County Health District within fourteen (14) calendar days. This notification is not necessary if the use of the Contaminated Soil ceases on a temporary basis in accordance with Condition Number 4.
6. If Ohio EPA or the Wyandot County Health District determines that the use of the Contaminated 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 (Director). Immediately upon such revocation, the owner or operator shall cease using the Contaminated 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. The Contaminated Soil shall not be used as intermediate or final cover. Any solid waste disposal area that remains inactive for a period of seven days and that has been covered with the Contaminated Soil shall be covered with at least six inches of soil in accordance with OAC Rule 3745-27-19(F) by the end of the seventh day.
8. The use and location of the Contaminated Soil 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.

END OF CONDITIONS

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 30 days after notice of the Director's action. A copy of the appeal must be served on the Director within three 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 approval, please contact Mike Reiser of Ohio EPA, NWDO at (419) 373-3126.

Sincerely,

Joseph P. Koncelik
Director

cc: Jeff Richey, Wyandot County Health District
Mike Reiser, DSIWM, NWDO
Scott Hester, DSIWM, C

JPK/MR/JS/sw