



State of Ohio Environmental Protection Agency

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

Mr. Dennis Pantano
Regus Industries, LLC
2730 Transit Road
West Seneca, New York 14224

**Re: Sunny Farms Landfill, Seneca County
Alternative Daily Cover Material Approval**

Dear Mr. Pantano:

On April 19, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received your written request, dated April 18, 2006, for authorization to use ProGuard II B Plus SuperSeal 40 (ProGuard II B Plus) spray-on slurry as alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b) at the Sunny Farms Landfill (Facility) located in Seneca County.

OAC Rule 3745-27-19(F)(3)(b) states, "The director may approve alternative materials, other than solid waste, and/or 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. The owner or operator must obtain written approval to use an alternative material and/or thickness for daily cover prior to utilizing the alternative material and/or thickness."

Ohio EPA has reviewed the information contained in the request and has determined that ProGuard II B Plus spray-on slurry has the potential to function effectively as alternative daily cover material and provide protection comparable to six (6) inches of soil as required by OAC Rule 3745-27-19(F)(3)(b). Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(b), I hereby authorize the use of ProGuard II B Plus spray-on slurry 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 authorization is limited to the use of only ProGuard II B Plus spray-on slurry at the Sunny Farms 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

2. The owner or operator shall place ProGuard II B Plus spray-on slurry 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. Prior to placing the next layer of waste, the ProGuard II B Plus spray-on slurry shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system.
3. If inclement weather conditions render the placement or use of ProGuard II B Plus 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 ProGuard II B Plus 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 by Ohio EPA at the Facility. The owner or operator shall verbally notify Ohio EPA, NWDO of this action by the end of the next working day and shall submit written notification to Ohio EPA, NWDO not later than fourteen (14) calendar days after the action has been taken. This notification is not necessary if the use of ProGuard II B Plus spray-on slurry ceases on a temporary basis in accordance with Condition Number 3, above.
5. If Ohio EPA determines that the use of ProGuard II B Plus spray-on slurry 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 ProGuard II B Plus 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 have more than 50,000 square feet of waste covered with alternative daily cover material at one time. This maximum area applies to the use of ProGuard II B Plus spray-on slurry by itself 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 not use ProGuard II B Plus spray-on slurry 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 ProGuard II B Plus 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 ProGuard II B Plus spray-on slurry shall be removed or otherwise prepared as necessary so as not to impede the

flow of leachate to the leachate management system.

8. The use and location of the ProGuard II B Plus spray-on slurry 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.
9. 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 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. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. 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 Mary Ann Miller of Ohio EPA, NWDO at (419) 373-3060.

Sincerely,

Joseph P. Koncelik
Director

JPK/MAM/MM/sw

cc: John Walker, Sunny Farms Landfill, LLC
Nicki Lucius, Seneca County Health Department
Mary Ann Miller, DSIWM-NWDO
Ellen Gerber, DSIWM-NWDO
Scott Hester, DSIWM-CO