

OHIO ENVIRONMENTAL PROTECTION AGENCY

PERMIT TO INSTALL

Application Number: 03-16690
Application Received: March 4, 2005
Permit Fee: \$80,000.00
Permit Fee Balance: \$79,600.00

Applicant: Defiance County Commissioners
Address: 500 Court Street
Defiance, Ohio 43512

Name: Defiance County Landfill
Location: 13207 Canal Road, Defiance, Defiance County, Ohio.

PTI: Lateral and Vertical Expansion

Issuance Date:

Effective Date:

The above-named entity is hereby issued a permit to install (permit) for the above-described source pursuant to Ohio Administrative Code (OAC) Rule 3745-27-02. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed and/or modified in accordance with the plans, specifications, and/or information accompanying the permit application, the above-described source of environmental pollutants will operate in compliance with applicable state and federal laws, rules, and regulations, and does not constitute expressed or implied assurances that, if constructed and/or modified in accordance with those plans, specifications, and/or information accompanying the permit application, the above-described source of environmental pollutants will be granted the necessary operating permits and/or licenses. This permit is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Ohio Environmental Protection Agency

Joseph P. Koncelik, Director

PERMIT SUMMARY

This permit (PTI Number 03-16690) authorizes the vertical and lateral expansion of the approved limits of waste placement, previously specified in PTI Number 03-8986, issued May 24, 2000, and PTI Number 03-2972, issued November 18, 1988, at the Defiance County Landfill (Facility), a municipal solid waste disposal facility located in Defiance County. Defiance County is both the owner and operator of the Facility.

This permit authorizes a 75.1-acre lateral expansion and a 16.1-acre vertical expansion, providing 12,790,000 cubic yards of capacity. The total acreage of the Facility will be approximately 148 acres and total approved capacity will be approximately 16,500,000 cubic yards. The expansion will provide disposal services for approximately 65 years based on the authorized maximum daily waste receipt (AMDWR) of 500 tons per day or 110 years based on a monthly average disposal of 7,547 tons (90,563 tons yearly).

The Facility's expansion design includes such features as a composite (clay/geosynthetic membrane) liner system, a leachate collection system, a surface water management system, a ground water monitoring system, an explosive gas monitoring system, and a final closure cap system. The permit also incorporates 30 years of post-closure care and financial assurance for closure and post-closure care.

This permit grants the applicant an exemption from OAC Rule 3745-27-06(C)(3)(f)(ii), which requires that information be collected at the site for each stratigraphic unit from the ground surface to the bottom of the uppermost aquifer system (UAS) or to 150 feet below the proposed composite liner system, whichever is shallower.

This permit also grants the applicant a variance from OAC Rule 3745-27-07(H)(4)(d), which requires that the limits of solid waste placement of a sanitary landfill facility not be located within 200 feet of areas determined by the Ohio Environmental Protection Agency (Ohio EPA) and the Army Corps of Engineers to be a stream, lake, or wetland.

This summary is provided solely for informational purposes and does not constitute a part of, or otherwise affect, the attached permit.

PERMIT CONDITIONS

1. The director, or an authorized representative, may enter upon the premises of the above-named applicant (permittee) at any reasonable time during construction and operation for the purpose of making inspections, conducting tests, or examining records or reports pertaining to the construction, modification, or installation of the above-described source of environmental pollutants (municipal solid waste disposal facility).

2. The proposed facility shall be constructed in strict accordance with the plans, specifications, and information submitted as part of the permit application. There may be no deviation from the approved plans without the express, written approval of Ohio EPA. Any deviation from the approved plans or the permit conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional landfill components shall be installed upon orders of Ohio EPA if the proposed municipal solid waste disposal facility is inadequate or cannot meet applicable standards.
3. Issuance of this permit does not relieve the permittee of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
4. This permit shall apply only to those facilities shown on the plans submitted as part of PTI Application Number 03-16690, as received on March 4, 2005, with subsequent revisions received through August 7, 2006.
5. This permit may be modified, or alternatively revoked and reissued, to comply with any revisions to OAC Chapter 3745-27 applicable to this municipal solid waste disposal facility.
6. The permittee shall provide for the proper maintenance and operation of the municipal solid waste disposal facility in accordance with the provisions of OAC Chapter 3745-27.
7. Nothing in this permit shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations except as specified herein. This permit shall not be interpreted to release the permittee 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.
8. This permit does not authorize the acceptance of any hazardous or infectious wastes, except for those excluded from hazardous or infectious waste regulation by ORC Chapter 3734.
9. This permit does not authorize the acceptance of any asbestos or asbestos-containing waste material that is subject to the provisions of NESHAP, 40 CFR Part 61, Subpart M. No such asbestos or asbestos-containing waste material may be accepted without first obtaining the necessary permits from Ohio EPA.

10. Ohio EPA, Northwest District Office (NWDO) shall receive written notification of the construction start date not later than seven days prior to starting any construction authorized under this permit approval, so that construction at the Facility can be routinely inspected by Ohio EPA, NWDO before the phases are placed into operation.
11. The permittee shall perform the following activities during construction and operation of the Facility in accordance with the cited provisions of OAC Chapter 3745-27 as follows:
 - a. The test pad required by OAC Rule 3745-27-08(E) shall be constructed and a report containing the test results shall be submitted to Ohio EPA, NWDO not later than 14 days prior to the intended construction date of the landfill component that the test pad models.
 - b. The pre-construction tests required by OAC Rule 3745-27-08(D) shall be performed and the test results submitted to Ohio EPA, NWDO not later than seven days prior to the intended use of the materials in construction.
 - c. The pre-construction interface tests required by OAC Rule 3745-27-08(G) shall be performed and the test results submitted to Ohio EPA, NWDO not later than seven days prior to the intended use of each geosynthetic material authorized by this permit.
 - d. The construction certification report required by OAC Rule 3745-27-08(H) shall be submitted to Ohio EPA, NWDO not later than 45 days prior to the anticipated date of waste receipt. Pursuant to OAC Rule 3745-27-19(C)(1), the permittee shall not accept waste in a phase until Ohio EPA, NWDO provides written concurrence of the construction certification report for that phase.
12. The permittee shall provide for the following inspections and facility maintenance:
 - a. The permittee shall provide for daily inspection of the disposal facility and completion of the Municipal Solid Waste Landfill Daily Log of Operations, Form 3. Written results of the inspections, including any corrective measures employed, shall be made available to Ohio EPA upon request.
 - b. Surface water control structures, including sedimentation ponds, sedimentation pond discharge structures, pipes, ditches, and culverts, shall be inspected at least monthly for erosion, clogging, or failure, and prompt corrective action shall be taken, if necessary. Written results of the inspections, including a discussion of any corrective measures taken, any

water quality samples taken, and the date and weather conditions, shall be recorded on the required daily log forms. The information shall be maintained on site and submitted to Ohio EPA, NWDO, upon request.

- c. To ensure proper operation of sedimentation ponds, the ponds shall be cleaned out completely annually, or more frequently as necessary when the volume of the settled particles necessitates cleaning based either on inspection results or to maintain the storage volume required by OAC Rule 3745-27-08(D)(3).
13. The permittee shall execute and fund a financial assurance instrument meeting the requirements of OAC Rules 3745-27-15, 3745-27-16, and 3745-27-17 prior to waste acceptance in any disposal area newly authorized by this permit.
14. The Facility shall be constructed and filled in accordance with the six-series drawings submitted as part of the PTI application. Construction of the final cap system shall commence in accordance with these drawings.
15. Construction certification reports for any constructed or repaired engineered component of the Facility shall be submitted to Ohio, NWDO prior to April 1 of the year immediately following construction or repair.
16. Pursuant to ORC Sections 3745.11(Q) and (V), payment of the solid waste permit to install fee balance, in the amount of \$79,600.00 payable to "Treasurer, State of Ohio," shall be submitted to Ohio EPA, Attn: Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049. The fee balance shall be submitted within 30 days of the effective date of this permit approval. Failure to timely submit the required permit fee balance will result in assessment of late penalties in accordance with ORC Sections 3745.11(Q) and (V).

END OF PERMIT CONDITIONS

EXEMPTION FROM OAC Rule 3745-27-06(C)(3)(f)(ii)

The permittee has requested an exemption from OAC Rule 3745-27-06(C)(3)(f)(ii), which requires that a permit to install for a sanitary landfill facility contain a hydrogeologic and geotechnical site investigation report that includes information collected at the site for each stratigraphic unit from the surface to the bottom of the uppermost aquifer system (UAS) or to 150 feet below the proposed composite liner system, whichever is shallower.

The permittee has requested an exemption from the requirement to collect information for each stratigraphic unit to the full depth of 150 feet. Published, authoritative information states that the UAS beneath the Facility extends at least to a depth of 800 feet and consists mainly of carbonate bedrock. The permittee has collected information to depth of 35 feet below the landfill liner and encountered between 10 and 12 feet of physically and hydraulically homogenous bedrock. The permittee concludes that collecting data below this depth is unlikely to provide additional useful information and that additional information collected from deeper borings would not likely lead to a modification of the Facility's current groundwater monitoring system.

Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, including scrap tires, from any requirement of ORC Chapter 3734 or any rules adopted thereunder if granting the exemption is unlikely to adversely affect the public health or safety or the environment.

Because the UAS extends at least to a depth of 800 feet and consists mainly of carbonate bedrock, and because the permittee has collected information to depth of 35 feet below the landfill liner and encountered between 10 and 12 feet of physically and hydraulically homogenous bedrock, and because the characteristics of the UAS are unlikely to change significantly beyond the depth already investigated in the borings, and because additional information collected from deeper borings would not likely lead to a modification of the Facility's current groundwater monitoring system, granting the permittee an exemption from the requirement of OAC Rule 3745-27-06(C)(3)(f)(ii) to collect and include in the hydrogeologic and geotechnical site investigation report information for each stratigraphic unit to a depth of 150 feet below the composite liner system is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the permittee is hereby exempted from the requirement of OAC Rule 3745-27-06(C)(3)(f)(ii) to collect and include in the hydrogeologic and geotechnical site investigation report information for each stratigraphic unit to a depth of 150 feet below the proposed composite liner system.

ORC Section 3734.02(A) Variance from Siting Criterion

The permittee has requested a variance from OAC Rule 3745-27-07(H)(4)(d), which requires that the limits of solid waste placement of a sanitary landfill facility not be located within 200 feet of areas determined by Ohio EPA or the United States Army Corps of Engineers to be a stream, lake, or wetland.

Wetlands are currently located less than 200 feet from the limits of solid waste placement of a small portion of the proposed lateral expansion. The wetlands are located upgradient of the limits of waste placement and on the opposite side of a county road (Canal Road). The permittee has proposed an alternative setback from new waste to these wetlands of at least 165.5 feet. The permittee contends that due to the proposed distance of at least 165.5 feet and because Canal Road exists between the limits of solid waste placement and the wetlands, there will not be an adverse impact from the proposed new waste to these wetlands. Furthermore, the new waste will be placed above a liner and a leachate collection system, which are designed to control leachate infiltration that could impact these potential wetlands. Surface water from the landfill will be managed so that it does not impact the wetlands.

Pursuant to ORC Section 3734.02(A), the director may, by order, grant a variance if the applicant demonstrates to the director's satisfaction that construction and operation of the solid waste facility in the manner allowed by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or a hazard to the public health or safety or the environment.

Because the distance between the new waste disposal area and the wetlands will be at least 165.5 feet, and because the wetlands are located hydrogeologically upgradient of the limits of waste placement, and because Canal Road separates the wetlands and the limits of waste placement, and because the new waste will be placed above a liner and a leachate collection system, and because surface water from the landfill will be managed so that it does not impact the wetlands, granting a variance from OAC Rule 3745-27-07(H)(4)(d) will not create a nuisance or a hazard to the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(A), the permittee is hereby granted a variance from the prohibition of locating the limits of solid waste placement of a sanitary landfill facility within 200 feet of the above-mentioned wetlands, provided the permittee complies with the alternative setbacks proposed in the variance request and the permit.