



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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MAILING ADDRESS:

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

Mr. Rick Kostelnick
Noble Road Landfill
170 Noble Road East
Shiloh, Ohio 44878

**Re: Noble Road Landfill, Richland County
Alternative Daily Cover Approval**

Dear Mr. Kostelnick:

On August 18, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a request, dated August 16, 2006, for authorization to use Class 1 compost from the Medina Central Processing Facility (Compost) as alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(a) at the Noble Road Landfill (Facility) located in Richland County.

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 the 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 recognizes that the Compost has been approved by the director to be used as daily cover material at other solid waste landfill facilities in Ohio. Based on the performance of the material at these other facilities, I have determined that the use of the Compost as an alternative material for daily cover has the potential to provide protection comparable to six inches of soil and be protective of human health and the environment. Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(a), I hereby approve the use of the Compost 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 Compost, as specified in Condition Number 2, as alternative daily cover material at the Facility. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

2. The owner or operator shall use only Class 1 compost from the Medina Central Processing Facility in Medina, Ohio as described in the August 16, 2006, request received by Ohio EPA on August 18, 2006.
3. Not later than seven days prior to initial use of the Compost as alternative daily cover material at the Facility, the owner or operator shall send written notification of the anticipated start date to the Richland County Health Department.
4. The owner or operator shall place the Compost 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.
5. Any liquid that comes into contact with the Compost, either during use as alternative daily cover material or during storage, shall be directed into the leachate collection system.
6. If inclement weather conditions render the placement or use of the Compost 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.
7. If the owner or operator determines that the Compost 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 and the Richland County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA, NWDO and the Richland County Health Department not later than 14 calendar days after the action has been undertaken. This notification is not necessary if use of the Compost ceases only on a temporary basis in accordance with Condition Number 6, above.
8. If Ohio EPA or the Richland County Health Department determines that the use of the Compost 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. Immediately upon such revocation, the owner or operator shall cease using the Compost 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.
9. The owner or operator shall not use the Compost as intermediate or final cover. Prior to placing additional waste in a disposal area, the Compost shall be removed or otherwise prepared as necessary prior to placement of the next layer of waste so as not to impede the flow of leachate to the leachate management system.

10. Any Compost brought to the Facility for disposal or use as alternative daily cover material shall be counted toward the Facility's authorized maximum daily waste receipt.
11. Appropriate state and local solid waste fees shall be applied to the Compost, regardless of whether it is utilized as alternative daily cover material or disposed of in the working face.
12. The use and location of the Compost as alternative daily cover 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.
13. 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 Ohio Revised Code 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 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 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 Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

If you have any questions regarding this authorization, please contact Mary Ann Miller of Ohio EPA, NWDO at (419) 373-3060.

Sincerely,

Chris Korleski

Mr. Rick Kostelnick
Noble Road Landfill
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Director

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cc: Ed Merriman, DSIWM-NWDO
Scott Hester, DSIWM-CO
Andrea Barnes, Richland County Health Department
Bill Strazinsky, Medina County SWMD