



State of Ohio Environmental Protection Agency

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Columbus, OH 43216-1049

Erie County Commissioners
2900 South Columbus Avenue
Sandusky, Ohio 44870

**Re: Erie County Sanitary Landfill, Erie County
NASA Alternative Daily Cover Request**

Dear Board of Commissioners:

On July 18, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a request, dated July 16, 2008, for authorization to use contaminated soil from NASA Plum Brook Facility as an alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(a) at the Erie County Sanitary Landfill (Facility) located in Erie 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 contaminated soils from NASA Plum Brook Facility have the potential to provide protection comparable to six inches of soil as required by OAC Rule 3745-27-19(F). Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(a), I hereby authorize the owner or operator of the Facility to use contaminated soil from NASA Plum Brook Facility as an alternative to six inches of soil for daily cover 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 contaminated soils only from the NASA Plum Brook Facility. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall only use contaminated soil from clean up activities at the NASA Plum Brook Facility located in Perkins Township, Erie County, as described in the request dated July 16, 2008.

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

3. Not later than three days prior to the initial application of the contaminated soils at the Facility, the owner or operator shall send written or electronic notification of the anticipated start date to Ohio EPA, NWDO and Erie County Health Department.
4. The owner or operator shall place the contaminated soils 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 contaminated soils shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system.
5. If inclement weather conditions will render the placement or use of the contaminated soils 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 ADC material that has been approved for use at the Facility, provided that it is able to perform effectively under the inclement conditions.
6. If the owner or operator determines that the contaminated soils 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 ADC 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 and Erie County Health Department not later than fourteen (14) calendar days after the action has been taken. This notification is not necessary if the use of contaminated soils ceases on a temporary basis in accordance with Condition Number 5, above.
7. If Ohio EPA or Erie County Health Department determines that the contaminated soils are ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use the material may be revoked upon written notification from Ohio EPA. Immediately upon such revocation, the owner or operator shall cease using the contaminated soils 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).
8. The owner or operator shall not use the contaminated soils as a final or intermediate cover.
9. The contaminated soils shall be utilized only on internal slopes where surface water that may contact the contaminated soils will be contained within the confines of the leachate collection system.
10. Appropriate state and local solid waste fees shall be applied to the contaminated soils, regardless of whether they are utilized as alternative daily cover material or disposed of in the working face.

11. The contaminated soils shall be counted against the Facility's authorized maximum daily waste receipt of 800 tons.
12. The use and location of contaminated soils as alternative daily cover shall be documented on the required Daily Log of Operations, Form 3 on each day it is used as alternative daily cover. This document shall also include a map that shows where and when the contaminated soil was utilized as alternative daily cover relative to the working face.
13. This authorization to use contaminated soils as alternative daily cover will expire upon the completion of remediations at the NASA Plum Brook Facility as described in the request dated July 16, 2008. The owner or operator may not use the contaminated soils after remediations at the NASA Plum Brook Facility are complete and must return to using conventional soil cover or another authorized alternative daily cover.
14. 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 of Ohio EPA (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 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 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 Susan Hardy of Ohio EPA, NWDO at (419) 373-3043.

Sincerely,

Chris Korleski
Director

PC: Bob Sennish, Erie County Landfill
Fred Dubbert, Erie County Landfill
Jack Meyers, Erie County Sanitary Engineer
David Miller, Erie County Coordinator
Susan Hardy, DSIWM-NWDO
Habib Kaake, DSIWM, NWDO
Scott Hester, DSIWM-CO
Robert England, Erie County General Health District
Craig Ward, Erie County General Health District

File: Erie County, Erie Co. Landfill, Authorizing Documents