



State of Ohio Environmental Protection Agency

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June 8, 2009

Mr. John Hattersley, P.E.
Senior Engineer
Rumpke Waste, Inc.
10795 Hughes Road
Cincinnati, Ohio 45251

RE: Brown County Landfill, Brown County
Alternative Daily Cover Material Approval
Belton Style 884 Woven Polypropylene Geotextile

Dear Mr. Hattersley:

On April 15, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO), Division of Solid and Infectious Waste Management (DSIWM) received a written request for authorization to use Belton Industries, Inc. Style 884 woven polypropylene geotextile tarp (Belton Style 884) as alternative daily cover (ADC) material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) at the Brown County Landfill (Facility) located in Georgetown, Brown County, Ohio.

OAC Rule 3745-27-19(F)(3)(b) states, in part, "The director may approve alternative materials, other than solid waste, or other thicknesses for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the proposed alternative material or thickness provides protection that is comparable to six inches of soil and is protective of human health and the environment."

Belton Style 884 has been approved to be used as ADC material at other solid waste facilities in Ohio. Based on the performance of the material at the other facilities, and after reviewing the request, Ohio EPA has determined that Belton Style 884 can function effectively as ADC 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 owner or operator of the Facility to use Belton Style 884 as an 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 is limited to the use of only Belton Style 884 at the Facility. No other ADC materials may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall place Belton Style 884 over exposed waste materials by the end of the working day, or more frequently if necessary, to control fire hazards, blowing litter, odor, dust, insects, and rodents. Belton Style 884 shall be secured on all four (4) sides by weights or other means necessary to ensure it remains in place. Prior to placing the next layer of waste, Belton Style 884 shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the management system.
3. Any scrap tires used by the owner or operator to secure Belton Style 884 shall be managed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the rules promulgated thereunder.
4. If inclement weather conditions render the placement or use of Belton Style 884 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 the ADC material is able to perform effectively under the inclement conditions.
5. If the owner or operator determines Belton Style 884 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 ADC material that had been approved for use at the Facility. The owner or operator shall verbally notify Ohio EPA, SWDO and the Brown County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA, SWDO within 14 calendar days. This notification is not necessary if use of Belton Style 884 ceases only on a temporary basis in accordance with Condition 4.
6. If Ohio EPA or the Brown County Health Department determines that the use of Belton Style 884 is ineffective or unsatisfactory under normal operating conditions, then permission to use the ADC material may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, the owner or operator shall cease to use Belton Style 884 as ADC 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 ADC material that has been approved for use at the Facility.
7. The owner or operator shall promptly repair or replace the Belton Style 884 if it becomes frayed, torn, ripped, or otherwise rendered unusable and is therefore no longer able to serve its intended purpose.

John Hattersley, P.E.
Senior Engineer
Rumpke Waste, Inc.
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8. The owner or operator shall not cover more than 40,000 square feet of waste with Belton Style 884 at any one time. Soil shall be used as daily cover on any remaining areas of exposed waste.

9. Belton Style 884 shall not be used as intermediate or final cover at the Facility. Any solid waste disposal area that remains inactive for a period of seven (7) days, and which has been covered with Belton Style 884, 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.

10. Nothing in this approval shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This approval shall not be interpreted to release the owner or operator from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water 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 Environmental Review Appeals 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 Michael Harris of Ohio EPA, SWDO at (937) 285-6089.

Sincerely,

Chris Korleski
Director

cc: Stephen Dick, Brown County Health Department
Michael Harris, DSIWM – SWDO
Scott Hester, DSIWM – CO