



State of Ohio Environmental Protection Agency

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August 5, 2009

Mr. John R. Butler
Senior Site Engineer
Rumpke Sanitary Landfill
10795 Hughes Road
Cincinnati, OH 45251

**Re: Rumpke Sanitary Landfill, Hamilton County
Alternative Daily Cover Approval**

Dear Mr. Butler:

On April 6, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO), Division of Solid and Infectious Waste Management (DSIWM) received a written request from Rumpke Sanitary Landfill, Inc. (Rumpke) for authorization to use a soil/scrap tire mixture (Mixture) as alternative daily cover (ADC) material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(a) at Rumpke Sanitary Landfill (Facility) located in Cincinnati, Hamilton County, Ohio.

OAC Rule 3745-27-19(F)(3)(a) states, in part, "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 Mixture is comprised primarily of soil that is contaminated with scrap tires resulting from clean up of areas under scrap tire stockpiles. The stockpiles are located on a Class II tire shredding operation at 3851 South Street, Hamilton, Hamilton County.

Specifically, Rumpke requested to use the Mixture as ADC material at the Facility. A similar soil/scrap tire mixture has been approved as ADC material at other solid waste landfill facilities in Ohio. Based on the performance of the material at these other facilities, and after reviewing the request, Ohio EPA has determined that the Mixture can function effectively as ADC material and provide protection comparable to six inches of soil as required by OAC Rule 3745-27-19(F)(3)(a).

Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(a), I hereby authorize Rumpke to use the Mixture as ADC material at the Facility. As part of this approval, Rumpke is subject to the following conditions:

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

CONDITIONS

1. This approval is limited to the use of the Mixture generated from the cleanup of areas under stockpiles at Rumpke's Class II tire shredding operation, at 3851 South Street, Hamilton, Hamilton County. A majority of the Mixture shall be soil. No other ADC materials may be used at the Facility without prior authorization from Ohio EPA.
2. Not later than seven (7) days prior to initial use of the Mixture as ADC material at the Facility, Rumpke shall send written notification of the anticipated start date to Ohio EPA, SWDO, DSIWM.
3. Rumpke shall place the Mixture 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 Mixture shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system.
4. If inclement weather conditions render the placement or use of the Mixture ineffective or otherwise unsatisfactory, Rumpke 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, Rumpke 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 Rumpke determines that the Mixture is ineffective or otherwise unsatisfactory under normal operating conditions, Rumpke shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, Rumpke may apply another ADC material that has been approved for use by Ohio EPA at the Facility. Rumpke shall verbally notify Ohio EPA, SWDO, DSIWM and Hamilton County Public Health (HCPH) of this action by the end of the next working day and shall submit written notification to Ohio EPA, SWDO, DSIWM within fourteen (14) calendar days. This notification is not necessary if use of the Mixture ceases only on a temporary basis in accordance with Condition 4.
6. If Ohio EPA or HCPH determines that the use of the Mixture is ineffective or otherwise 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, Rumpke shall cease use of the Mixture 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, Rumpke may apply another ADC material that has been approved for use at the Facility.
7. The Mixture 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 the Mixture, 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.

8. All stockpiles or storage areas for the Mixture shall be located within the current limits of solid waste placement. Any water that comes into contact with the Mixture, either during use as ADC material or during storage, shall be directed into the leachate collection system.
9. The use and location of the Mixture shall be documented on the required Municipal Solid Waste Landfill Daily Log of Operations, Form 3 on each day it is used as ADC material.
10. All appropriate state and local solid waste fees shall be applied to the Mixture, regardless of whether it is temporarily stored, utilized as ADC material, or disposed of in the working face.
11. Any Mixture brought to the Facility for disposal or use as ADC material shall be counted toward the Facility's authorized maximum daily waste receipt.
12. Nothing in this approval shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations. This letter 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, 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 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 Joleen Cook of Ohio EPA, SWDO at (937) 285-6071.

Sincerely,

Chris Korleski
Director

cc: Russ Brown, DSIWM, SWDO
Tim Ingram, Hamilton County Public Health