State of Ohio Environmental Protection Agency

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APR 20 2010
ENTERED DIRECTOR'S JOURNAL

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: [signature] Date: 4-20-10

APR 2 0 2010

Mayor David Raizk
City of Wilmington
397 North South Street
Wilmington, Ohio 45177

RE: Wilmington Sanitary Landfill, Clinton County
Alternative Daily Cover Approval
LandPac Tarp Daily Landfill Cover

Dear Mayor Raizk:

On February 3, 2010, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO) received a written request for authorization to use LandPac 20 mil, 7.5 oz/yd^2 Coated Woven Polypropylene tarps (LandPac Tarp) as alternative daily cover (ADC) material at the Wilmington Sanitary Landfill (Facility) in Clinton County. Specifically, the request was for authorization to continue to use the LandPac Tarp as ADC material beyond the 180-day trial period that was established in a previous authorization issued by Ohio EPA, dated October 13, 2009.

OAC Rule 3745-27-19(F)(3)(b) states, "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. The owner or operator must obtain written approval to use an alternative material or thickness for daily cover prior to utilizing the alternative material or thickness."

In the October 13, 2009 approval, Ohio EPA granted the Facility authorization to use LandPac Tarp as ADC material at the Facility for a 180-day trial period. During the trial period, Ohio EPA, SWDO monitored the performance of the LandPac Tarp to determine its effectiveness and ability to function as an ADC material. Additionally, a report was submitted to Ohio EPA, SWDO detailing the performance of the LandPac Tarp during the trial period.

Based on the results of Ohio EPA's monitoring and the information contained in the aforementioned report, Ohio EPA has determined that the LandPac Tarp functioned effectively as ADC material at the Facility. Therefore, pursuant to OAC Rule 3745-27-

19(F)(3)(b), I hereby authorize the owner or operator to use LandPac Tarp as ADC 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 LandPac Tarp at the Facility. No other ADC material may be used at the Facility without prior authorization from Ohio EPA.

2. The owner or operator shall place LandPac Tarp over exposed waste materials by the end of each working day, or more frequently if necessary, to control fire hazards, blowing litter, odors, dust, insects, rodents, and other vectors. LandPac Tarp 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, LandPac Tarp shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system.

3. Any scrap tires used by the owner or operator to secure LandPac Tarp 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 LandPac Tarp 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 conditions, 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 LandPac Tarp 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 has been approved for use at the Facility. The owner or operator shall verbally notify Ohio EPA, SWDO and Clinton 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 LandPac Tarp ceases only on a temporary basis in accordance with Condition Number 4.

6. If Ohio EPA or Clinton County Health Department determines that the use of LandPac Tarp 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 LandPac Tarp 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 not cover more than 20,000 square feet of waste with LandPac Tarp at any one time. Soil shall be used as daily cover on any remaining areas of exposed waste.

8. LandPac Tarp 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 LandPac Tarp 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.

9. The owner or operator shall promptly replace or repair LandPac Tarp if it becomes frayed, torn, ripped, or otherwise rendered unusable and is therefore no longer able to serve its intended purpose.

10. The use and location of LandPac Tarp shall be documented on the required Municipal Solid Waste Landfill Daily Log of Operations, Form 3 each day it is used as ADC material.

11. This authorization to use LandPac Tarp as ADC material shall expire three (3) years after its effective date. The owner or operator shall not continue to use LandPac Tarp after this date, unless a request for continued use is submitted and authorization is received.

12. Photographs from at least two opposing sides of the working face shall be taken each day that LandPac Tarp has been applied. Copies of all such photographs shall be made available upon request.

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 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 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, made payable to "Ohio Treasurer Kevin Boyce," 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 Michelle Ackenhausen of Ohio EPA, SWDO at (937) 285-6049.

Sincerely,

Chris Korleski
Director

cc: Russell Brown, DSIWM-SWDO
Matt Johannes, Clinton County Health Department

CK/KM/sw