



State of Ohio Environmental Protection Agency

**STREET ADDRESS:**

Lazarus Government Center  
122 S. Front Street  
Columbus, OH 432181099

TELE: (614) 644-3020 FAX: (614) 644-2329

**MAILING ADDRESS:**

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

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OHIO E.P.A.  
DEC 16 2002  
ENTERED DIRECTOR'S JOURNAL

**DEC 16 2002**

Mr. Michael Migyanko  
Pike Sanitation, Inc.  
123 South Lock Street  
Waverly, Ohio 45690

**RE:** Pike Sanitation Landfill, Pike County  
Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) Authorization

Dear Mr. Migyanko:

On October 29, 2002, the Ohio Environmental Protection Agency (Ohio EPA), Southeast District Office (SEDO) received a report from Pike Sanitation, Inc. (PSI), requesting authorization to use Fabrene G168 and L257 as alternative daily cover (ADC) material on a permanent basis at the Pike Sanitation Landfill (PSL) located in Pike County.

OAC Rule 3745-27-19(F)(3) states, "The director may approve alternative materials and/or thickness for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the alternative material and/or thickness provides comparable protection and is protective of human health and the environment."

By letter dated June 4, 2002, Ohio EPA issued an approval to use Fabrene G168 and L257 at the PSL for a 180-day trial period. During this period, the performance of the ADC material was monitored by Ohio EPA, SEDO and the Pike County Health Department to determine the material's effectiveness and its ability to function in the manner intended. Additionally, PSI submitted a report detailing the performance of Fabrene G168 and L257 as ADC material during the trial period.

Based on the results of Ohio EPA's and the Pike County Health Department's monitoring and the information contained in the report, I have determined that Fabrene G168 and L257 functioned effectively as an ADC material and provided protection comparable to conventional soil cover. Therefore, pursuant to OAC Rule 3745-27-19(F)(3), I hereby authorize Pike Sanitation, Inc. (PSI) to use Fabrene G168 and L257 as ADC material on an on-going basis at the Pike Sanitation Landfill.

Bob Taft, Governor  
Maureen O'Connor, ~~Lieutenant~~ Governor  
Christopher Jones, Director

This authorization is subject to the following conditions:

1. This authorization is limited to the use of only Fabrene G168 and L257 at the Pike Sanitation Landfill. No other alternative daily cover material may be used at the PSL without prior authorization from Ohio EPA.
2. The owner/operator shall place Fabrene G168 or L257 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.
3. If inclement weather conditions render the placement or use of Fabrene G168 or L257 ineffective or otherwise unsatisfactory, the owner/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/operator may apply another alternative daily cover material that has been approved for use at the PSL, provided that the alternative daily cover material is able to perform effectively under the inclement conditions.
4. If the owner/operator determines that Fabrene G168 or L257 is ineffective, or otherwise unsatisfactory under normal operating conditions, the owner/operator shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, the owner/operator may apply another alternative daily cover material that has been approved for use by Ohio EPA at PSL. The owner/operator shall verbally notify Ohio EPA, SEDO and the Pike County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA, SEDO within fourteen (14) calendar days. This notification is not necessary if the use of Fabrene G168 or L257 ceases on a temporary basis in accordance with Condition Number 3.
5. If Ohio EPA determines that the use of Fabrene G168 and/or L257 is ineffective or unsatisfactory under normal operating conditions, then permission to use Fabrene G168 and/or L257 may be revoked by the Director of Environmental Protection. Immediately upon such revocation, the owner/operator shall cease using Fabrene G168 and/or L257 at the PSL and shall revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, the owner/operator may apply another ADC material that has been approved for use at the PSL.
6. PSL shall not have more than 43,560 square feet of waste covered with alternative daily cover material at any one time. This maximum area applies to the use of Fabrene G168 or L257, either alone or in combination with other alternative daily cover materials that the director has authorized to be used at PSL.

7. Fabrene G168 and/or L257 shall not be used as intermediate or final cover. Any solid waste disposal area that remains inactive for a period of seven (7) days, and which has been covered with Fabrene G168 or L257, shall be covered with at least six inches of soil in accordance with OAC Rule 3745-27-19(F) by the end of the seventh day.
8. Nothing in this letter 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/operator from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code; under the Federal Clean Water Act, Resource Conservation and Recovery Act, or 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 Environmental Protection is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Commission within thirty (30) days after notice of the director's action. A copy of the appeal must be served on the director within three (3) days of filing with the Commission. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission  
236 East Town Street, Room 300  
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Dan Bergert of Ohio EPA, Southeast District Office at (740) 380-5438.

Sincerely,



Christopher Jones  
Director

cc: Steve Rine, DSIWM-SEDO  
Scott Hester, DSIWM-CO  
Sandy Colegrove, Pike County Health Department

CJ/DB/jg