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John L. Hattersley, P.E.
Rumpke Waste Collection & Disposal Systems
10795 Hughes Road
Cincinnati, Ohio 45251

**Re: Brown County Landfill, Brown County
180-Day Alternative Daily Cover Approval (Soil/Scrap Tire Mixture)**

Dear Mr. Hattersley:

By document dated July 11, 2003, Rumpke Waste Collection & Disposal Systems (Rumpke) submitted a request to the Ohio Environmental Protection Agency (Ohio EPA) to use an alternative daily cover (ADC) material at its Brown County Landfill (Facility). Specifically, Rumpke requested to use a soil/scrap tire mixture (Mixture) as ADC in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(a) which 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 a solid waste that contains processed scrap tire chips that were contaminated with road mud or other debris during processing or storage. Laboratory tests indicate that the Mixture contains approximately 67% scrap tires and 33% soil.

Based on the information submitted, I have determined that the Mixture has the potential to provide protection comparable to six inches of soil and has the potential to be protective of human health and the environment. Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(a), I hereby approve the use of the Mixture as ADC at the Facility for a trial period of 180 days. As part of this approval, Rumpke is subject to the following conditions:

1. This approval is limited to the use of only the soil/scrap tire mixture at the Brown County Landfill. This approval is limited to the material located on-site and must conform to the material described in the January 27, 2004, request regarding the percentage of soil and scrap tires and regarding the estimated 5,000 cubic yards of the Mixture. No other ADC material may be used at the Facility without prior approval from Ohio EPA.
2. This approval shall expire 180 days after its effective date. Rumpke shall not use the Mixture as ADC at the Facility after that date unless it requests and receives approval from Ohio EPA for continued use of the material.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director



3. Any Mixture brought to the Facility for disposal or use as ADC shall be included in the Facility's authorized maximum daily waste receipt (AMDWR).
4. If accepted for disposal, Rumpke shall cover any exposed Mixture by the end of the working day with conventional soil cover or another ADC material approved for use at the Facility.
5. If used as ADC, Rumpke shall place the Mixture over exposed waste by the end of the working day, or more frequently if necessary, to control fire hazards, blowing litter, odors, dust, insects and rodents.
6. Rumpke shall collect and remit the applicable local and state solid waste disposal and/or management fees for any Mixture disposed at the Facility or used as ADC.
7. 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 material is able to perform effectively under the inclement conditions.
8. If Rumpke determines that the Mixture is ineffective or otherwise unsatisfactory under normal operating conditions, it 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's Southwest District Office 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's Southwest District Office within 14 calendar days. This notification is not necessary if the use of the Mixture ceases on a temporary basis in accordance with Condition 7, above.
9. If Ohio EPA determines that the use of the Mixture is ineffective or unsatisfactory under normal operating conditions, then permission to use it may be revoked by the Director of Ohio EPA. Immediately upon such revocation, Rumpke shall cease using the Mixture 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.
10. Rumpke shall not cover more than 43,560 square feet (one acre) of waste with ADC material at any one time. This maximum area applies to the use of the Mixture by itself or in combination with other ADC materials that have been approved for use at the Facility.
11. Rumpke shall not use the Mixture as intermediate or final cover. Any solid waste disposal area that remains inactive for a period of seven days, and which has been covered with the Mixture, 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. Prior to applying the soil cover, the Mixture shall be removed or otherwise prepared as necessary prior to the placement of the next layer of waste so as not to impede the flow of leachate to the leachate management system.

12. Not later than 120 days after the effective date of this approval, Rumpke shall submit to Ohio EPA's Southwest District Office a report comparing the effectiveness of the Mixture to conventional soil cover and other materials that have been used as ADC at the Facility. If, as provided in Condition 8 or 9, above, Rumpke ceases to use the Mixture prior to the end of the 180-day trial period, then Rumpke shall submit the report not later than 30 days after its use ceases. In either situation, the report shall contain a discussion of the following items:
 - a. Number of days the Mixture was used;
 - b. Weather conditions at the time the Mixture was inspected;
 - c. Number of days odors were detected;
 - d. Presence of vectors, rodents, and insects;
 - e. Any increase in blowing litter; and
 - f. Method(s) for controlling fire during use of the Mixture.
13. Photographs from at least two opposing sides of the working face shall be taken each time after the Mixture has been applied. These photographs shall be included in the report required by Condition 12, above.
14. Rumpke shall document the use and location of the Mixture on the Municipal Solid Waste Disposal Facility Daily Log of Operations, Form 3. This document shall also include a map that shows where and when the Mixture was used as ADC relative to the working face.
15. 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 Rumpke 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 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. It must be filed with the Commission within 30 days after notice of the Director's action. A copy of the appeal must be served on the Director within three days of filing with the Commission. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

In the event that Rumpke finds the Mixture to be acceptable and wishes to continue its use, approval for on-going use of this material after the 180-day trial period is required. In order to avoid temporary discontinued use of the Mixture, Ohio EPA recommends that Rumpke submit a request for continued use at least 45 days prior to the end of the trial period.

If you have any questions regarding this approval, please contact Russ Brown of Ohio EPA's Southwest District Office at (937) 285-6649.

Sincerely,

Christopher Jones
Director

cc: Tracy Buchanan, DSIWM-SWDO
Russ Brown, DSIWM-SWDO
Brian Marlatt, DSIWM-SWDO
Scott Hester, DSIWM-CO
Stephen Dick, Brown County Health Department