



State of Ohio Environmental Protection Agency

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Columbus, Ohio 43216-1049

Mr. Pat Nortz
Browning-Ferris Industries of Ohio, Inc.
530 North Camp Road
Port Clinton, Ohio 43452

**Re: Ottawa County Landfill, Ottawa County
Decline to Grant Approval for Alternative Daily Cover (Contaminated Soil)**

Dear Mr. Nortz:

On July 13, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received a written request from Brown and Caldwell, on behalf of Browning-Ferris Industries of Ohio, Inc. (BFIO), to use minimally impacted contaminated soils from unspecified sources as alternative daily cover material at the Ottawa County Landfill (Facility) located in Ottawa County. This request was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(a).

OAC Rule 3745-27-19(F)(3)(a) states, in part, that 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 owner or operator must obtain written approval to use solid waste for alternative daily cover prior to utilizing the solid waste.

Based on the information received on July 13, 2004, Ohio EPA is unable to determine that granting your request is as protective as six inches of soil and is protective of human health and the environment. Therefore, I decline to approve your request to use minimally impacted contaminated soils from unspecified sources as alternative daily cover material at the Facility.

If you wish to continue to pursue the use of minimally impacted contaminated soils as alternative daily cover material at the Facility, you will need to submit additional information to Ohio EPA, including the source(s) of the material(s) and analytical data.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

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If you have any questions regarding this letter, please contact Kimberly Burnham of Ohio EPA, NWDO at (419) 373-3049.

Sincerely,

Joseph P. Koncelik
Director

JPK/MM/sw

cc: Kimberly Burnham, DSIWM-NWDO
Ellen Gerber, DSIWM-NWDO
Scott Hester, DSIWM-CO