



State of Ohio Environmental Protection Agency

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Mr. Allen Ruffell  
Hoffman Road Landfill  
3962 Hoffman Road  
Toledo, Ohio 43611

**Re: Hoffman Road Landfill, Lucas County  
Alternative Daily Cover Temporary Approval**

Dear Mr. Ruffell:

On December 7, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO), received your written request dated December 1, 2004, for authorization to use Fin Enviro-Cap spray-on slurry as an alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b) at Hoffman Road Landfill (Facility) located in Lucas County.

OAC Rule 3745-27-19(F)(3)(b) states, "The director may approve alternative materials, other than solid waste, and/or thicknesses for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the proposed alternative material and/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 and/or thickness for daily cover prior to utilizing the alternative material and/or thickness." Although Fin Enviro-Cap spray-on slurry has not been approved for use as alternative daily cover material in Ohio, Ohio EPA recognizes that it has the potential to provide protection comparable to six inches of soil as required by OAC Rule 3745-27-19(F).

Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(b), I hereby authorize the City of Toledo to use Fin Enviro-Cap spray-on slurry as an alternative to six (6) inches of soil for daily cover at the Facility for a trial period to end one hundred eighty (180) days from the effective date of this authorization. As part of this temporary approval, the City of Toledo (the owner/operator) is subject to the following conditions:

1. This authorization is limited to the use of only Fin Enviro-Cap spray-on slurry at Hoffman Road Landfill. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The City of Toledo shall place Fin Enviro-Cap spray-on slurry 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.

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

3. If inclement weather conditions render the placement or use of Fin Enviro-Cap spray-on slurry ineffective or otherwise unsatisfactory, the City of Toledo 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 City of Toledo may apply another alternative daily cover material that has been approved for use at the Facility, provided that the alternative daily cover material is able to perform effectively under the inclement conditions.
4. If the City of Toledo determines that Fin Enviro-Cap spray-on slurry is ineffective or otherwise unsatisfactory under normal operating conditions, the City of Toledo shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, the City of Toledo may apply another alternative daily cover material that has been approved for use at the Facility. The City of Toledo shall verbally notify Ohio EPA, NWDO and the Toledo - Lucas County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA, NWDO not later than fourteen (14) calendar days after the action has been taken. This notification is not necessary if the use of Fin Enviro-Cap spray-on slurry ceases on a temporary basis in accordance with Condition Number 3, above.
5. If Ohio EPA or the Toledo - Lucas County Health Department determines that the use of Fin Enviro-Cap spray-on slurry is ineffective or unsatisfactory under normal operating conditions, then permission to use the material may be revoked upon written notification from the Director of Ohio EPA. Immediately upon such revocation, the City of Toledo shall cease to use Fin Enviro-Cap spray-on slurry as alternative daily cover 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 City of Toledo may apply another alternative daily cover material that has been approved for use at the Facility.
6. The City of Toledo shall not have more than 50,000 square feet of waste covered with alternative daily cover material at one time. This maximum area applies to the use of Fin Enviro-Cap spray-on slurry by itself or in combination with other alternative daily cover materials that the Director has authorized to be used at the Facility.
7. Fin Enviro-Cap spray-on slurry 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 Fin Enviro-Cap spray-on slurry 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 Fin Enviro-Cap spray-on slurry shall be removed or otherwise prepared as necessary prior to placement of the next layer of waste so as not to impede the flow of leachate to the leachate management system.

8. The use and location of Fin Enviro-Cap spray-on slurry shall be documented on the required Municipal Solid Waste Landfill Facility Daily Log of Operations, Form 3 on each day it is used as alternative daily cover material.
9. Not later than one hundred and twenty (120) days after the effective date of this letter, the City of Toledo shall submit to Ohio EPA, NWDO a report comparing the effectiveness of Fin Enviro-Cap spray-on slurry to conventional soil cover and other alternative daily cover materials that have been used at the Facility. If, as provided in Condition Numbers 4 or 5 above, the City of Toledo ceases to use Fin Enviro-Cap spray-on slurry prior to the end of the one hundred eighty (180) day trial period, then the report shall be due not later than thirty (30) days after use ceases. In either situation, the report shall contain a discussion of the following items:
  - a) the number of days that the alternative daily cover material was used;
  - b) weather conditions when the placement of the alternative material was evaluated for effectiveness as daily cover;
  - c) the number of days that odors were detected;
  - d) presence of rodents, insects, and any other vectors;
  - e) any increase in blowing litter; and
  - f) method(s) for controlling fire during use of alternative daily cover material.
10. Photographs from at least two opposing sides of the working face shall be taken of the working face after Fin Enviro-Cap spray-on slurry has been applied. The photographs shall be available for inspection by Ohio EPA or the Lucas County Health Department during the one hundred eighty (180) day trial period. At least four such series of photographs shall be included in the report required by Condition Number 9, above.
11. This authorization to use Fin Enviro-Cap spray-on slurry will expire one hundred eighty (180) days after the effective date of this authorization. The City of Toledo may not use Fin Enviro-Cap spray-on slurry as daily cover after that date, unless the City of Toledo requests and receives approval for continued use of the material.
12. 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 City of Toledo 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 (Commission) pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the

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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  
309 South Fourth Street  
Room 222  
Columbus, Ohio 43215

In the event that the City of Toledo finds Fin Enviro-Cap spray-on slurry to be acceptable and wishes to continue to use it as alternative daily cover at the Facility, authorization for on-going use beyond the one hundred eighty (180) day trial period is required. To avoid having to temporarily discontinue the use of Fin Enviro-Cap spray-on slurry, Ohio EPA recommends that the City of Toledo submit a request for this authorization at least forty-five (45) days prior to the end of the one hundred eighty (180) day trial period.

If there are any questions regarding this authorization, please contact Mike Reiser at (419) 373-3126.

Sincerely,

Joseph P. Koncelik, Director

JPK/JWM/sw

pc: Mike Reiser, DSIWM, NWDO  
Ellen Gerber, DSIWM, NWDO  
Scott Hester, DSIWM, CO  
Jodi Vaughan, Toledo - Lucas County Health Department