



State of Ohio Environmental Protection Agency

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

Ms. Cathy A. Hardy, Technical Manager
Waste Management, Inc.
1700 N. Broad Street
Fairborn, Ohio 45324

**RE: American Landfill, Stark County
Alternative Daily Cover Approval**

Dear Ms. Hardy:

On August 25, 2005, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received your written request for authorization to use clay spoils as alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(a) at the American Landfill, Inc. solid waste disposal facility (Facility) located in Stark County. Specifically, the owner or operator requested to use clay spoils from Mansfield Plumbing Products, LLC in Perrysville, Ohio (Clay Spoils).

OAC Rule 3745-27-19(F)(3)(a) states, "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."

Ohio EPA has reviewed the information contained in the request and has determined that Clay Spoils have the potential to function effectively as alternative daily cover material and provide protection comparable to six inches of soil as required by OAC Rule 3745-27-19(F)(3)(a). Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(a), I hereby approve the use of the Clay Spoils as alternative daily cover material at the Facility.

As part of this approval, the owner or operator is subject to the following conditions:

CONDITIONS

1. This approval only authorizes the owner or operator to use the Clay Spoils, as specified in Condition Number 2, as alternative daily cover material at the Facility. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.

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

2. The owner or operator shall use only clay spoils from Mansfield Plumbing Products, LLC in Perrysville, Ohio (Clay Spoils), as described in the written request received by Ohio EPA on August 25, 2005.
3. The owner or operator shall place the Clay Spoils 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.
4. If inclement weather conditions will render the placement or use of the Clay Spoils 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 circumstances, the owner or operator 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.
5. If the owner or operator determines that the Clay Spoils are 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 alternative daily cover material that has been approved for use by Ohio EPA at the Facility. The owner or operator shall verbally notify Ohio EPA, NEDO and the Stark County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA, NEDO not later than fourteen (14) calendar days after the action has been undertaken. This notification is not necessary if use of the Clay Spoils ceases only on a temporary basis in accordance with Condition Number 4, above.
6. If Ohio EPA or the Stark County Health Department determines that the use of the Clay Spoils is ineffective or otherwise 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 owner or operator shall cease using the Clay Spoils 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 owner or operator may apply another alternative daily cover material that has been approved for use at the Facility.
7. The owner or operator shall not use the Clay Spoils as intermediate or final cover. Prior to placing additional waste in a disposal area, the Clay Spoils 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. Any water which comes into contact with the Clay Spoils, either during use as alternative daily cover material or during storage, shall be directed into the leachate collection system.
9. The owner or operator shall collect and remit the applicable state and local solid waste

disposal and/or management fees for any Clay Spoils disposed at the Facility or used as alternative daily cover material.

10. Any Clay Spoils brought to the Facility for disposal or use as alternative daily cover material shall be counted toward the Facility's authorized maximum daily waste receipt.
11. The use and location of the Clay Spoils as alternative daily cover shall be documented on the required Municipal Solid Waste Landfill Daily Log of Operations, Form 3 on each day it is used as alternative daily cover material.
12. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state solid waste laws or regulations. This letter shall not be interpreted to release the owner or operator from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation or 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 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. 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

If you have any questions regarding this authorization, please contact Scott Winkler of Ohio EPA, NEDO at (330) 963-1220.

Sincerely,

Joseph P. Koncelik
Director

JPK/SW/MM/sw

cc: Scott Hester, DSIWM, CO
Phil Revlock, Stark County Health Department
[Eric Adams/LAND/American/AUT/76]