



State of Ohio Environmental Protection Agency

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Board of Erie County Commissioners  
2900 South Columbus Avenue  
Sandusky, Ohio 44870

**Re: Erie County Landfill, Erie County  
Alternative Daily Cover Approval**

Dear Commissioners:

On December 16, 2005, 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 15, 2005, for authorization to use ProGuard SB spray-on slurry as an alternative daily cover material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b) at the Erie County Landfill (Facility) located in Erie 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."

ProGuard SB spray-on slurry has been approved for use as an alternative daily cover material at other solid waste facilities in Ohio, and 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 owner or operator of the Erie County Landfill to use ProGuard SB spray-on slurry as an alternative to six (6) inches of soil for daily cover at the Facility. As part of this approval, the owner or operator of the Erie County Landfill is subject to the following conditions:

1. This authorization is limited to the use of only ProGuard SB spray-on slurry at Erie County Landfill. No other alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall place ProGuard SB 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  
Bruce Johnson, Lieutenant Governor  
Joseph P. Koncelik, Director

3. If inclement weather conditions render the placement or use of ProGuard SB 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.
4. If the owner or operator determines that ProGuard SB spray-on slurry is 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 at the Facility. The owner or operator shall verbally notify Ohio EPA, NWDO 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 ProGuard SB ceases on a temporary basis in accordance with Condition Number 3, above.
5. If Ohio EPA determines that the use of ProGuard SB 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 (Director). Immediately upon such revocation, the owner or operator shall cease to use ProGuard SB 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 owner or operator may apply another alternative daily cover material that has been approved for use at the Facility.
6. The owner or operator shall not have more than 50,000 square feet of waste covered with alternative daily cover material at any one time. This maximum area applies to the use of ProGuard SB 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. ProGuard SB 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 ProGuard SB spray-on slurry shall be covered with at least six (6) 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 ProGuard SB 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 ProGuard SB 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. 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 or operator of the Erie County Landfill 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 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

If there are any questions regarding this authorization, please contact Mary Ann Miller of Ohio EPA at (419) 373-3060.

Sincerely,

Joseph P. Koncelik  
Director

JPK/MM/MG/sw

pc: Mary Ann Miller, DSIWM, NWDO  
Ellen Gerber, DSIWM, NWDO  
Scott Hester, DSIWM, CO