



State of Ohio Environmental Protection Agency

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Paul Flory, Esq.
Environmental Compliance Manager
Solid Waste Authority of Central Ohio
4239 London-Groveport Road
Grove City, Ohio 43123

**Re: Franklin County Landfill, Franklin County
Alternative Daily Cover Material Approval
ProGuard SB and Posi-Shell Advanced Formulation**

Dear Mr. Flory:

On November 6, 2007, the Ohio Environmental Protection Agency (Ohio EPA) granted the Franklin County Landfill (Facility) a temporary authorization to use both ProGuard Single Bag (ProGuard SB) and Posi-Shell Advanced Formulation (Posi-Shell) as alternative daily cover for a one hundred eighty (180) day trial period. The continued use of these products was contingent upon your submittal of a report that summarized the effectiveness of these products as a daily landfill cover material and subsequent request to and approval by the Director of Environmental Protection (Director). On August 12, 2008, a report documenting the application and effectiveness of these alternative daily cover material products was submitted.

Upon review of the submitted report, and after consultation with staff at the Franklin County Health Department and determining that there has been no noted increase in odor complaints or any increase in vectors at the site, Ohio EPA has determined that both the ProGuard SB and the Posi-Shell can function effectively as alternative daily cover material and provide protection comparable to six (6) inches of soil as required by Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b). Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(b), I hereby authorize the use of both ProGuard SB and Posi-Shell 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 authorization is limited to the use of only ProGuard SB and Posi-Shell at the Facility. No additional alternative daily cover material may be used at the Facility without prior authorization from Ohio EPA.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

2. The owner or operator shall place ProGuard SB or Posi-Shell over exposed waste materials at the end of each working day, or more frequently if necessary, to control fire hazards, blowing litter, odors, dust, insects and rodents. The alternative daily cover material shall be applied from different directions and at a rate such that all waste materials are completely covered. Prior to placing the next layer of waste, the ProGuard SB or Posi-Shell shall be removed or otherwise prepared as necessary so as to not impede the flow of leachate to the leachate management system.
3. If inclement weather conditions render the placement or use of the ProGuard SB or Posi-Shell 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 the ProGuard SB or Posi-Shell is ineffective under normal operating conditions, the owner or operator shall immediately revert to using conventional soil cover in accordance with OAC 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 the Ohio EPA, Central District Office and the Franklin County Health Department of this action by the end of the next working day and shall submit written notification to the Ohio EPA, Central District Office within fourteen (14) calendar days. This notification is not necessary if the use of the ProGuard SB or Posi-Shell ceases on a temporary basis in accordance with Condition Number 3 above.
5. If Ohio EPA determines that the use of ProGuard SB or Posi-Shell is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use one or both materials may be revoked upon written notification from the Director. Immediately upon such revocation, the owner or operator shall cease using ProGuard SB or Posi-Shell 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 use ProGuard SB or Posi-Shell as intermediate, transitional, or final cover. Any solid waste area that remains inactive for a period of seven (7) days 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. The owner or operator shall conduct daily inspections to ensure that the material complies with OAC Rule 3745-27-19(F) and shall document these inspections on the Municipal Solid Waste Landfill Daily Log of Operations – Form 3 each day that either of these materials is used as daily cover.
7. 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 from responsibility under Ohio Revised Code 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 is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. 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. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals 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 Phil Farnlacher of Ohio EPA, Central District Office at (614) 728-3890.

Sincerely,

Chris Korleski
Director

cc: Duane Snyder, DSIWM-CDO
Jeff Grose, Franklin County Health Department