



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

SEPTEMBER 27, 2019

Defiance County Commissioners  
Defiance County Landfill  
500 Court Street, Suite A  
Defiance, Ohio 43512

Re: Defiance County Sanitary Landfill  
Director's Authorization  
Approval  
Municipal Solid Waste Landfills  
Defiance County  
MSWL018764

**Subject: Defiance County Sanitary Landfill, Defiance County  
Alternative Daily Cover Material Approval**

Dear Commissioners:

Ohio EPA SEP 27 '19  
Entered Directors Journal

On August 27, 2019, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO) received a written request for authorization to use 9.4 oz/yd<sup>2</sup> polypropylene tarpARMOR® ATM ADC tarp (tarpARMOR) as alternative daily cover (ADC) material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b) at Defiance County Sanitary Landfill (Facility) in Defiance County. Defiance County Commissioners are the current owner of the Facility.

OAC Rule 3745-27-19(F)(3)(b) states, "The Director may approve alternative materials, other than solid waste, or other thicknesses for daily cover if the owner or operator can demonstrate to the satisfaction of the Director that the proposed alternative material 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 or thickness for daily cover prior to utilizing the alternative material or thickness."

Ohio EPA has reviewed the information contained in the request and has determined that the tarpARMOR has the properties to provide protection comparable to six (6) 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 Defiance County Sanitary Landfill to use tarpARMOR as an 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 is limited to the use of only tarpARMOR 9.4 oz/yd<sup>2</sup> or heavier as described in the request at the Facility. No other ADC material may be used at the Facility without prior authorization from Ohio EPA.
2. The owner or operator shall place tarpARMOR over exposed waste materials by the end of each working day, or more frequently if necessary, to control fire hazards, blowing litter, odors, dust, insects, birds, rodents, or other vectors. TarpARMOR shall be applied such that all solid waste is completely covered. TarpARMOR shall be secured on all four sides by weights or other means necessary to ensure it remains in place. Prior to placing the next layer of waste, tarpARMOR shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system.
3. Any scrap tires used by the owner or operator to secure tarpARMOR shall be managed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the rules promulgated thereunder.
4. If inclement weather conditions render the placement or use of tarpARMOR 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 ADC material that has been approved for use at the Facility, provided that the ADC material is able to perform effectively under the inclement conditions.
5. If the owner or operator determines tarpARMOR 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 ADC material that has been approved for use at the Facility. The owner or operator shall verbally notify Ohio EPA, DMWM-NWDO of this action by the end of the next working day and shall submit written notification to Ohio EPA, DMWM-NWDO within fourteen (14) calendar days. This notification is not necessary if use of tarpARMOR ceases only on a temporary basis in accordance with Condition Number 4.
6. If Ohio EPA determines that the use of tarpARMOR is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use tarpARMOR may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, the owner or operator shall cease using tarpARMOR as ADC material at the Facility and shall revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such

circumstances, Defiance County Commissioners may apply another ADC material that has been approved for use at the Facility.

7. TarpARMOR shall not be used as intermediate or final cover at the Facility. Any solid waste disposal area that remains inactive for a period of seven (7) days and which has been covered with tarpARMOR 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.
8. The owner or operator shall not cover more than 15,000 square feet of waste with tarpARMOR at any one time. Soil shall be used as daily cover on any remaining areas of exposed waste.
9. The owner or operator shall promptly replace or repair tarpARMOR if it becomes frayed, torn, ripped, or otherwise rendered unusable and is, therefore, no longer able to serve its intended purpose
10. The use and location of tarpARMOR shall be documented in the required Municipal Solid Waste Landfill Daily Log of Operations, Form 2 on each day it is used as ADC material.

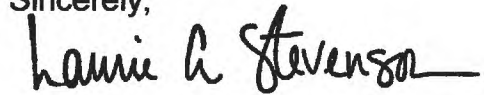
Nothing in this letter shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations. This letter shall not be interpreted to release the owner or operator from responsibility under ORC Chapters 3704, 3714, 3734 or 6111; under the Federal 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 is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code 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. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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  
30 East Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Kristin Tillison of Ohio EPA, NWDO at (419) 373-3064.

Sincerely,

A handwritten signature in black ink that reads "Laurie A. Stevenson". The signature is written in a cursive, flowing style.

Laurie A. Stevenson  
Director

/wla

ec: Mike Reiser, DMWM-NWDO  
Jeremy Carroll, DMWM-CO  
Habib Kaake, DMWM-NWDO