



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

MARCH 13, 2020

Mr. Tim Gourley
Lake County Department of Utilities
Lake County Administration Center
105 Main Street, P.O. Box 490
Painesville, Ohio 44077

**Re: Lake County Solid Waste Facility
Director's Authorization
Approval
Municipal Solid Waste Landfills
Lake County
MSWL018755**

**Subject: Lake County Solid Waste Facility, Lake County
Alternative Daily Cover Material Approval**

Ohio EPA MAR 13 '20
Entered Directors Journal

Dear Mr. Gourley:

On December 19, 2019, the Ohio Environmental Protection Agency (Ohio EPA), Northeast District Office (NEDO), Division of Materials and Waste Management (DMWM) received a written request for authorization to use the following five tarp products: Fabrene RTGPN9N9; Belton Industries Beltech Style 884; PacTec Landpac 20 mil 7.5 oz/sy Woven Polypropylene; GTF-500 Geotextile fabric (Thrace-LINQ); and, RU88X-6 (FR) 400 as alternative daily cover (ADC) material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b) at the Lake County Solid Waste Facility (Facility) in Lake County. The Facility is currently owned by Lake County Commissioners (Owner) and operated by Rumpke of Northern Ohio.

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 each of the five tarp products has the properties 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 to use any of the five tarp products as an alternative daily cover material at the Facility.

As part of this approval, the Owner/operator is subject to the following conditions:

CONDITIONS

1. This approval is limited to the use of only Fabrene RTGPN9N9; Belton Industries Beltech Style 884; PacTec Landpac 20 mil 7.5 oz/sy Woven Polypropylene; GTF-500 Geotextile fabric (Thrace-LINQ); and RU88X-6 (FR) 400 at the Facility. No other ADC material may be used at the Facility without prior authorization from Ohio EPA.
2. The Owner/operator shall place one or more of the five tarp products 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. The tarps shall be applied such that all solid waste is completely covered. The tarps shall be secured on all four sides by weights or other means necessary to ensure they remain in place. Prior to placing the next layer of waste, the tarps 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/operator to secure the tarps 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 the tarps ineffective or otherwise unsatisfactory, the Owner/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/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/operator determines that any of the five tarp products are ineffective or otherwise unsatisfactory under normal operating conditions, the Owner/operator shall immediately discontinue use of the ineffective tarp(s). Under such circumstances, the Owner/operator may apply another one of the five tarp products or another ADC material that has been approved for use at the Facility or revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). The Owner/operator shall verbally notify Ohio EPA, NEDO, DMWM and the Lake County General Health District of this action by the end of the next working day and shall submit written notification to Ohio EPA, NEDO, DMWM within 14 calendar days. This notification is not necessary if use of any of the five tarp products ceases only on a temporary basis in accordance with Condition Number 4.
6. If Ohio EPA or the Lake County General Health District determines that the use of any of the five tarp products is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use the ineffective tarp(s) may be revoked

upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, the Owner/operator shall cease using the ineffective tarp(s) as ADC material at the Facility. Under such circumstances, the Owner/operator may apply another one of the five tarp products or another ADC material that has been approved for use at the Facility or revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F).

7. The tarps 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 days and which has been covered with the tarps 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.
8. The Owner/operator shall promptly replace or repair the tarps if they become frayed, torn, ripped, or otherwise rendered unusable and are, therefore, no longer able to serve their intended purpose.
9. The use and location of the tarps shall be documented in the required Municipal Solid Waste Landfill Daily Log of Operations, Form 3 on each day they are 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, 4th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Clarissa Gereby of Ohio EPA, NEDO at (330) 963-1224.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurie A. Stevenson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Laurie A. Stevenson
Director

LAS:CG

ec: Lynn Sowers, Ohio EPA, DMWM, NEDO
Jeremy Carroll, Ohio EPA, DMWM, Central Office
Christopher Loxterman, Lake County General Health District