



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

May 13, 2020

Mr. Brent Bowker
 Carbon Limestone Landfill, LLC
 8100 South Stateline Rd.
 Lowellville, Ohio 44436

**Re: Carbon Limestone Landfill, LLC
 Director's Authorization
 Approval
 Municipal Solid Waste Landfills
 Mahoning County
 MSWL018781**

**Subject: Carbon Limestone Landfill, Mahoning County
 Alternative Daily Cover Material Approval**

Dear Mr. Bowker:

On February 18, 2020, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a written request for authorization to use 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 Carbon Limestone Landfill, LLC. (Facility) in Mahoning County. Republic Services is the current owner (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 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 to use Tarparmor as an ADC 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 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 apply 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, NEDO and Mahoning County Public Health of this action by the end of the next working day and shall submit written notification to Ohio EPA, DMWM, NEDO 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 or Mahoning County Public Health 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, the owner or operator 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 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
9. The use and location of Tarparmor shall be documented in the required Municipal Solid Waste Landfill Daily Log of Operations, Form 3 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, 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 blue ink that reads "Laurie A. Stevenson". The signature is written in a cursive style.

Laurie A. Stevenson
Director

ec: Lynn Sowers, Ohio EPA, DMWM, NEDO
Jeremy Carroll, Ohio EPA, DMWM, CO
Amy Holinbaugh, Mahoning County Public Health
Aaron See, Republic Services
Hadi Chammas, Republic Services