



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

August 17, 2020

Erie County Commissioners  
Erie County Sanitary Landfill  
2900 South Columbus Avenue  
Sandusky, Ohio 44870

Re: Erie County Sanitary Landfill  
Director's Authorization  
Approval  
Municipal Solid Waste Landfills  
Erie County  
MSWL018741

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

Dear Commissioners:

On June 25, 2020, 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 Erie County Conservation League Firing Range Soil (ECCLFRS) as alternative daily cover (ADC) material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(a) at Erie County Sanitary Landfill (Facility) in Erie County. Erie County Commissioners are the current owner of the Facility.

The proposed ADC is composed of soil excavated from NASA Plumbrook Station in Perkins Township, Ohio, some of which has potentially been impacted by lead deposited from abandoned pistol and rifle backstop berm areas and a trap shooting area. Only soil that is characteristically not a hazardous waste or has been treated to the point that it is no longer hazardous waste will be considered as an ADC material.

OAC Rule 3745-27-19(F)(3)(a) states, "The director may approve solid waste to be used as alternative material for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the solid waste material proposed for use can provide protection 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 solid waste for alternative daily cover prior to utilizing the solid waste."

Ohio EPA has reviewed the information contained in the request and has determined that ECCLFRS 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)(a), I hereby authorize the use of ECCLFRS 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 ECCLFRS 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 a six (6) to twelve (12)-inch thick layer of ECCLFRS 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. ECCLFRS shall be applied such that all solid waste is completely covered. Prior to placing the next layer of waste, ECCLFRS shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system.
3. If inclement weather conditions render the placement or use of ECCLFRS 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/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.
4. If the owner or operator determines ECCLFRS 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 and Erie County Health Department 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 ECCLFRS ceases only on a temporary basis in accordance with Condition Number 3.
5. If Ohio EPA or Erie County Health Department determines that the use of ECCLFRS is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use ECCLFRS may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, the owner or operator shall cease using ECCLFRS 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.
6. ECCLFRS 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 ECCLFRS 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.

7. The owner or operator shall promptly reapply ECCLFRS if waste becomes exposed.
8. The use and location of ECCLFRS shall be documented in the required Municipal Solid Waste Landfill Daily Log of Operations, Forms 2 and 3 on each day it is used as ADC material.
9. ECCLFRS shall be utilized only on internal slopes where surface water that may contact ECCLFRS will be contained within the confines of the leachate collection system.
10. The ECCLFRS shall be counted against the Facility's authorized maximum daily waste receipt and monthly maximum waste receipt.
11. This authorization shall terminate four years from the date of this letter.

Special Condition:

12. If any portion of the proposed ECCLFRS is contaminated to the point that treatment or stabilization is not successful, or if it contains any prohibited compounds, the material is considered a hazardous waste and shall not be used as ADC.

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 Tyler Madeker of Ohio EPA, NWDO at 419-373-3078.

Sincerely,

A handwritten signature in black ink that reads "Laurie A. Stevenson". The signature is written in a cursive style with a horizontal line at the end.

Laurie A. Stevenson  
Director

ec: Mike Reiser, DMWM, NWDO  
Ned O'Loughlin, DMWM, NWDO

Jeremey Carroll, DMWM, CO  
Craig Ward, Erie County Health Department  
John Rufo, Erie County Landfill