



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

June 21, 2016

Edward Kilbarger
PO Box 946
Logan, Ohio 43138

**Re: Athens Hocking Reclamation Center
Permit - Long Term
Approval
Municipal Solid Waste Landfills
Athens County
MSWL018741**

Subject: Final Permit to Install Application for Athens-Hocking Reclamation Center

Dear Mr. Kilbarger:

The Ohio Environmental Protection Agency, pursuant to Ohio Administrative Code Rule 3745-27-02 and the rules adopted thereunder, has reviewed the application for a permit with accompanying detail plans, specifications and/or information (hereinafter referred to as "application") regarding the above-referenced facility. This application has been approved by the Director subject to the conditions of compliance contained in the permit approval enclosed herewith and with all applicable laws, rules and standards. All construction must be supervised by an engineer or expert qualified in such work. Because the permit approval contains conditions of compliance, I urge you to read it carefully. Also, enclosed is a Response to Comments.

You are requested to submit within thirty (30) days of the date of issuance of this Permit to Install, the required permit fee balance of six hundred dollars (\$1,000.00 - \$400.00 application fee = \$600.00), payable to **Treasurer, State of Ohio**. Please send the required payment to:

Ohio Environmental Protection Agency
Permit to Install Fee
Dept L-2711
Columbus, OH 43260-2711

Payment of the \$600.00 fee within 30 days is a requirement of ORC Sections 3745.11 (Q) and (V). Failure to timely submit the required permit fee will result in an assessment of late penalties.

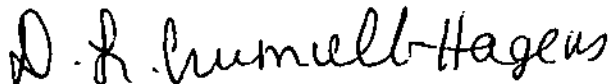
You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to

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 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
77 South High Street 17th Floor
Columbus, Ohio 43215

If you have any questions, please contact the Ohio EPA District Office to which you submitted your application.

Sincerely,



Demitria Crumiell-Hagens, Administrative Professional II
Division of Materials and Waste Management

Enclosure

cc: Brad Mitchell, DMWM, CO
Scott Hester, DMWM, CO
Fanny Haritos, DMWM, CO
Kristopher Weiss, PIC
Mark Mansfield, DMWM, SEDO
Rich Fox, DMWM, SEDO
Mike Cooper, Athens City-County Health Department

OHIO E.P.A.

JUN 21 2016

ENTERED DIRECTOR'S JOURNAL

OHIO ENVIRONMENTAL PROTECTION AGENCY

PERMIT TO INSTALL

Application Number: 06-08450
Application Received: January 18, 2013
Permit Fee: \$1,000.00
Permit Fee Balance: \$600.00

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

Applicant: Kilbarger Construction, Inc.
Address: PO Box 946
Logan, Ohio 43138

By: Donna Lassiter Date: 6-21-16

Name: Athens-Hocking Reclamation Center

Location: The facility is located two miles west of Nelsonville, Ohio on the north side of Old US Route 33. Facility address is 17970 Old US Route 33, Nelsonville, Ohio, 45764.

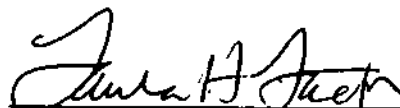
PTI: Operational Modification, Municipal Solid Waste Landfill

Issuance Date: JUN 21 2016

Effective Date: JUN 21 2016

The above-named entity is hereby issued a permit approval (permit to install) for the above-described source pursuant to Ohio Administrative Code (OAC) Rule 3745-27-02. Issuance of this permit approval does not constitute expressed or implied approval or agreement that, if constructed and/or modified in accordance with the plans, specifications and/or information accompanying the permit application, the above-described source of environmental pollutants will operate in compliance with applicable state and federal laws, rules, and regulations, and does not constitute expressed or implied assurances that, if constructed and/or modified in accordance with those plans, specifications, and/or information accompanying the permit application, the above-described source of environmental pollutants will be granted the necessary operating permits and/or licenses. This permit approval is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Ohio Environmental Protection Agency



Craig W. Butler, Director

PERMIT SUMMARY

This is a FINAL version of Permit-to-Install (PTI) Number 06-08450, which authorizes the continued acceptance and disposal of secondary aluminum wastes at the Athens-Hocking Reclamation Center (Facility) located in Athens County. Kilbarger Construction, Inc. (KCI) is the owner, operator, and applicant.

In accordance with Ohio Senate Bill 294, Section 4 (effective September 5, 2012):

The owner or operator of a sanitary landfill who, on the effective date of this act, is authorized to dispose of secondary aluminum waste in a monocell or monofill in accordance with the terms and conditions of a valid license issued under Chapter 3734. of the Revised Code and rules adopted under it and who seeks to continue to dispose of secondary aluminum waste after the effective date of this act shall submit to the Environmental Protection Agency an application to modify the permit for the sanitary landfill in accordance with division (A)(2)(a) of section 3734.05 of the Revised Code not later than ninety days after the effective date of this act. An owner or operator who has submitted an application to modify the permit for a sanitary landfill in accordance with this section may continue to dispose of the secondary aluminum waste after the effective date of this act in accordance with the terms and conditions of the effective license for the sanitary landfill until the Director of Environmental Protection issues a final action regarding the application to modify the permit for the landfill pursuant to Chapter 3734. of the Revised Code, provided that the owner or operator is in compliance with the terms and conditions of the license related to secondary aluminum waste and those terms and conditions remain in effect.

Additionally, Ohio Revised Code (ORC) Section 3734.02 (O) states:

- (1) *As used in this division, "secondary aluminum waste" means waste material or byproducts, when disposed of, containing aluminum generated from secondary aluminum smelting operations and consisting of dross, salt cake, baghouse dust associated with aluminum recycling furnace operations, or dry-milled wastes.*
- (2) *The owner or operator of a sanitary landfill shall not dispose of municipal solid waste that has been commingled with secondary aluminum waste.*
- (3) *The owner or operator of a sanitary landfill may dispose of secondary aluminum waste, but only in a monocell or monofill that has been permitted for that purpose in accordance with this chapter and rules adopted under it.*

KCI has been accepting secondary aluminum (SA) waste at the Facility since at least 1994. Beginning in 2007, the Athens City-County Health Department, with assistance from Ohio EPA, began adding special operational and monitoring conditions to the Facility's annual operating license to ensure the SA waste accepted at the landfill would be disposed of in a manner to minimize the risks associated with SA waste reactions. Specifically, license conditions were put in place to:

- discontinue leachate recirculation;
- create monocells for the disposal of SA wastes;
- require the construction of a 5-foot thick thermal barrier between SA waste and MSW waste;
- require the construction of a 5-foot thick thermal barrier between SA waste and the monocell bottom liner;
- require the installation of thermocouples along newly constructed cell floors;
- require SA waste characterization prior to acceptance; and
- require extensive landfill temperature, gas, and settlement monitoring.

This PTI modification allows KCI to continue acceptance of SA wastes at the Facility. The modification incorporates the license conditions that have been in place since 2007, with minor revisions.

This summary is provided solely for informational purposes and does not constitute a part of, or otherwise affect, the attached PTI.

PERMIT CONDITIONS

1. The director of Ohio EPA, or an authorized representative, may enter upon the premises of the above-named applicant (permittee) at any reasonable time during construction and operation for the purpose of making inspections, conducting tests, or examining records or reports pertaining to the construction, modification, or installation of the above-described source of environmental pollutants (municipal solid waste disposal facility).
2. This permit shall apply only to those facilities shown on the plans, specifications, and information submitted as part of PTI 06-08450, received January 18, 2013 and revised through October 19, 2015.
3. The acceptance and disposal of SA wastes at the Facility shall be in strict accordance with the plans, specifications, and information submitted as part of the application for this permit approval. There may be no deviation from the approved plans without the express, written approval of Ohio EPA. Any deviation from the

approved plans or the permit conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the Facility will operate in compliance with all Ohio laws and regulations.

4. The permittee shall submit the monitoring and testing data required by this permit to Ohio EPA Southeast District Office and the Athens City-County Health Department no less frequently than on a quarterly basis.
5. The permittee shall revise *Figure 1 - Facility Map, Figure 3 - Landfill Gas Monitoring Locations, Figure 5 - Temperature Monitoring Locations, Figure 7 - Landfill Settlement Monitoring Locations, and Appendix C - Soil Barrier Maps*, as necessary, to include up-to-date information and submit these updates to Ohio EPA Southeast District Office and the Athens City-County Health Department annually by June 1st.
6. The permittee shall not recirculate leachate at the Facility.
7. Issuance of this permit approval does not relieve the permittee of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
8. This permit approval may be modified, or alternatively revoked and reissued, to comply with any revisions to OAC Chapter 3745-27 applicable to this municipal solid waste disposal facility.
9. The permittee shall provide for the proper maintenance and operation of the municipal solid waste disposal facility in accordance with the provisions of OAC Chapter 3745-27, Permit-to-Install #06-2998 (issued July 1, 1993), and this permit approval.
10. Nothing in this permit approval shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This permit approval shall not be interpreted to release the permittee 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.
11. This permit approval does not authorize the acceptance of any hazardous or infectious wastes, except for those excluded from hazardous or infectious waste regulation by ORC Chapter 3734.

12. The permittee shall comply with the requirements of all previously-issued authorizing documents for the Facility, except, to the extent that this permit specifies requirements different from, or in addition to, the requirements of those previously-issued authorizing documents, the permittee shall comply with this permit. This permit, and the terms and conditions herein, shall take precedence over any conflicting requirements.

END OF PERMIT CONDITIONS