



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

2017 JAN 18 PM 2: 15

LEGAL OFFICE

JANUARY 18, 2017

Mr. Jim Adams
Port Clinton Landfill
530 North Camp Road
Port Clinton, Ohio 43452

Re: Port Clinton Landfill Inc
Director's Authorization
Approval
Municipal Solid Waste Landfills
Ottawa County
MSWL018780

Port Clinton Landfill Inc
Non-Permit Related
Exemptions
Approval
Municipal Solid Waste Landfills
MSWL018780

**Subject: Port Clinton Landfill, Ottawa County
Temporary Alternative Daily Cover Material Approval
Ohio Administrative Code (OAC) Rule 3745-27-03(B) Exemptions**

Dear Mr. Adams:

The Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), received your request, titled "Port Clinton Landfill Alternative Daily Cover Request", for authorization to use residuals from the Mississippi Lime Plant located in Huron, Ohio (Lime Residuals) as alternative daily cover (ADC) material at Port Clinton Landfill (Facility) in Ottawa County. The request was submitted in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3). Republic Services is the owner and operator of the Facility.

OAC Rule 3745-27-19(F)(3)(a) states, "The director may approve solid waste to be used as an 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 Lime Residuals have the potential 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 Republic Services to use Lime Residuals as ADC material at the Facility.

As part of this approval, Republic Services is subject to the following conditions:

CONDITIONS

1. This approval is limited to the use of only Lime Residuals from Mississippi Lime at the Facility. No other ADC material may be used at the Facility without prior authorization from Ohio EPA.
2. Republic Services shall place a 6 to 12-inch-thick layer of Lime Residuals 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. Lime Residuals shall be applied such that all waste materials are completely covered. Prior to placing the next layer of waste, Lime Residuals 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 Lime Residuals ineffective or otherwise unsatisfactory, Republic Services 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, Republic Services 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 Republic Services determines Lime Residuals are ineffective or otherwise unsatisfactory under normal operating conditions, Republic Services shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, Republic Services may apply another ADC material that has been approved for use at the Facility. Republic Services 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 Lime Residuals ceases only on a temporary basis in accordance with Condition Number 3.
5. If Ohio EPA determines that the use of Lime Residuals is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use Lime Residuals may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, Republic Services shall cease using Lime Residuals 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, Republic Services may apply another ADC material that has been approved for use at the Facility.
6. Lime Residuals shall not be used as intermediate or final cover at the Facility.
7. Republic Services shall promptly reapply Lime Residuals if waste becomes exposed.

8. The use and location of Lime Residuals 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.
9. Not later than one hundred twenty (120) days after the effective date of this authorization, Republic Services shall submit a report to Ohio EPA, NWDO comparing the effectiveness of using Lime Residuals to conventional soil cover. The report shall contain a discussion of the following items:
 - a. The number of days that Lime Residuals were used;
 - b. Weather conditions at the time of placement of Lime Residuals;
 - c. Number of days odors were detected;
 - d. The presence of vectors, rodents, or insects;
 - e. Any increase in blowing litter;
 - f. Methods for controlling fire during use of Lime Residuals;
 - g. Any increase or decrease in the amount of erosion as compared to areas with conventional soil cover.
10. This authorization to use Lime Residuals as ADC material shall expire one hundred eighty (180) days after its effective date.
11. Photographs from at least two opposing sides of the working face shall be taken each day that Lime Residuals have been applied. All photographs shall be maintained at the Facility and made available to Ohio EPA upon request. The photographs shall be marked with the date and time that the photograph was taken along with the name of the photographer, the direction the picture was taken, and a description of the general area in which the photograph was taken.
12. Republic Services shall utilize the Lime Residuals as ADC material consistent with the request, titled "Port Clinton Landfill Alternative Daily Cover Request."
13. Republic Services may only stockpile a quantity of Lime Residuals that can be used in accordance with this authorization. All Lime Residuals stockpiled under this authorization shall be used in accordance with this authorization prior to the end of the 180-day trial period.
14. Nothing in this letter shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations unless specified herein. This letter shall not be interpreted to release Republic Services 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.

END OF CONDITIONS

EXEMPTIONS

Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment, from any requirements to obtain a registration certificate or license or comply with other requirements of ORC Chapter 3734.

EXEMPTION FROM OAC RULE 3745-27-19(E)(7)(e)

Republic Services has requested an exemption from OAC Rule 3745-27-19(E)(7)(e), which requires that all waste admitted to the sanitary landfill facility is deposited at the working face, spread in layers not more than two feet thick, and compacted to the smallest practical volume.

As part of the activities approved through this authorization, Republic Services proposes to stockpile Lime Residuals near the working face or within the constructed portion of the landfill in an area convenient to the current and/or planned working face location(s).

Ohio EPA has reviewed the request and concluded that allowing Republic Services to stockpile Lime Residuals in the landfill adjacent to the working face or within the constructed portion of the landfill in an area convenient to the current and/or planned working face is unlikely to adversely affect public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), Republic Services is hereby exempted from the requirement of OAC Rule 3745-27-19(E)(7)(e) as it applies to the deposition of Lime Residuals admitted to the facility at the working face, provided that Republic Services complies with all conditions of this authorization. This exemption shall remain in effect throughout the effective period of this authorization unless otherwise revoked.

EXEMPTION FROM ORC SECTIONS 3734.57(A), 3734.57(B), and 3734.573

Republic Services has requested an exemption from the state solid waste disposal fee, the Ottawa, Sandusky, Seneca Joint Solid Waste Management District (OSS SWMD) disposal fee, and the Erie County Solid Waste Management District (Erie County SWMD) generation fee that may otherwise be applicable to the disposal of Lime Residuals in the Facility. ORC Section 3734.57(A) requires that a state solid waste disposal fee be collected and remitted for the acceptance and disposal of solid waste at a licensed and permitted solid waste disposal facility. ORC Section 3734.57(B) requires that any applicable solid waste management district disposal fee be collected and remitted for the acceptance and disposal of solid waste at a licensed and permitted solid waste disposal facility where such a fee has been levied. ORC Section 3734.573 requires that any applicable solid waste management district generation fee be

collected and remitted for the acceptance and disposal of solid waste at a licensed and permitted solid waste disposal facility if that waste was generated within a district that has a generation fee.

As part of the activities approved through this authorization, Republic Services proposes to exclude Lime Residuals used as ADC material from the applicable fees to be collected and remitted under ORC Section 3734.57(A), ORC Section 3734.57(B), and ORC Section 3734.573.

Ohio EPA has reviewed the request and concluded that exempting Republic Services from the requirement to collect and remit the fees under ORC Section 3734.57(A), ORC Section 3734.57(B), and ORC Section 3734.573 for Lime Residuals used as ADC material is unlikely to adversely affect public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), Republic Services is hereby exempted from the requirements of ORC Section 3734.57(A), ORC Section 3734.57(B), and ORC Section 3734.573 as they apply to Lime Residuals used for ADC material at the Facility, provided that Republic Services complies with all conditions of this authorization. This exemption shall remain in effect throughout the effective period of this authorization unless otherwise revoked.

END OF EXEMPTIONS

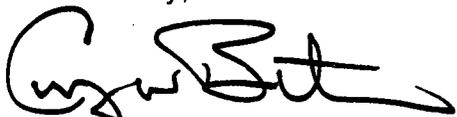
You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The 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
77 South High Street, 17th Floor
Columbus, OH 43215

Port Clinton Landfill
OAC Rules 3745-27-19(F)(3)(a) & 3745-27-03(B)
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If you have any questions regarding this authorization, please contact Tyler Madeker of Ohio EPA, NWDO at (419) 373-3078.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig W. Butler". The signature is stylized with a large initial "C" and "B".

Craig W. Butler
Director

cc: Lisa Beursken, Erie County SWMD
Tim Wasserman, OSS SWMD
Scott Hester, Ohio EPA-CO
Mike Reiser, Ohio EPA-NWDO