



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

MAY 30, 2017

Ohio EPA MAY 30 '17
Entered Directors Journal

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

Erie County Sanitary Landfill
Non-Permit Related Exemptions
Approval
Municipal Solid Waste Landfills
Erie County
MSWL018741

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

Dear Commissioners:

On August 29, 2016, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO) received a request, dated August 25, 2016, for authorization to use residuals from the Mississippi Lime Plant located in Huron, Ohio (Lime Residuals), and Lime Residuals mixed with on-site soil, as alternative daily cover (ADC) material at Erie County Sanitary Landfill (Facility) located at 10102 Hoover Road, in Milan, Ohio. The Facility is an active municipal solid waste landfill owned by the Erie County Commissioners (Erie County). The request was submitted in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3). On November 8, 2016, Ohio EPA authorized Erie County to use Lime Residuals and Lime Residuals mixed with on-site soil as ADC at the Facility for a 180-day trial period. By letter dated March 7, 2017, and received by Ohio EPA on March 10, 2017, Erie County has requested permanent authorization to use Lime Residuals and Lime Residuals mixed with on-site soil as an ADC at the Facility.

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 Lime Residuals and Lime Residuals mixed with on-site soils have the potential 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)(a), I hereby authorize Erie County to use Lime Residuals and Lime Residuals mixed with on-site soils as alternative daily cover material at the Facility.

As part of this approval, Erie County is subject to the following conditions:

CONDITIONS

1. This approval is limited to the use of only Lime Residuals and Lime Residuals mixed with on-site soil at the Facility. No other ADC material may be used at the Facility without prior authorization from Ohio EPA.
2. Erie County shall place a 6 to 12-inch-thick layer of Lime Residuals or Lime Residuals mixed with on-site soils 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 or Lime Residuals mixed with on-site soils shall be applied such that all waste materials are completely covered. Prior to placing the next layer of waste, Lime Residuals or Lime Residuals mixed with on-site soils 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 or Lime Residuals mixed with on-site soils ineffective or otherwise unsatisfactory, Erie County 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, Erie County 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 Erie County determines Lime Residuals or Lime Residuals mixed with on-site soils are ineffective or otherwise unsatisfactory under normal operating conditions, Erie County shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, Erie County may apply another ADC material that has been approved for use at the Facility. Erie County shall verbally notify Ohio EPA, DMWM, NWDO and the 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 and the Erie County Health Department within fourteen (14) calendar days. This notification is not necessary if use of Lime Residuals or Lime Residuals mixed with on-site soils ceases only on a temporary basis in accordance with Condition Number 3.

5. If Ohio EPA or the Erie County Health Department determines that the use of Lime Residuals or Lime Residuals mixed with on-site soils are ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use Lime Residuals or Lime Residuals mixed with on-site soils as ADC material may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, Erie County shall cease using Lime Residuals or Lime Residuals mixed with on-site soils 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, Erie County may apply another ADC material that has been approved for use at the Facility.
6. Lime Residuals or Lime Residuals mixed with on-site soils shall not be used as final cover at the Facility.
7. Erie County shall promptly reapply Lime Residuals or Lime Residuals mixed with on-site soils if waste becomes exposed.
8. The use and location of Lime Residuals or Lime Residuals mixed with on-site soils 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. Erie County shall utilize the Lime Residuals or Lime Residuals mixed with on-site soils as ADC material consistent with the August 25, 2016, letter titled "Erie County Acceptance of Mississippi Lime's Agricultural Grade Lime for Beneficial Reuse as Alternative Daily Cover and Soil Conditioner."
10. The amount of Lime Residuals stockpiled onsite shall not exceed the amount the owner/operator anticipates using in a 180-day period.
11. 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 Erie County 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)

Erie County 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, Erie County proposes to stockpile Lime Residuals near the working face and in a stockpile within Phase 5.

Ohio EPA has reviewed the request and concluded that allowing Erie County to stockpile Lime Residuals in the landfill adjacent to the working face and/or within the limits of future landfill cell Phase 5 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), Erie County 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 Erie County 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 OAC RULE 3745-27-19(B)(2)

Erie County has requested an exemption from OAC Rule 3745-27-19(B)(2), which requires that the owner or operator shall conduct all construction and operation of a sanitary landfill facility in strict compliance with the applicable authorizing documents.

As part of the activities approved through this authorization, Erie County proposes to exclude the acceptance of Lime Residuals from being counted toward the facility's Authorized Maximum Daily Waste Receipt (AMDWR), as established in PTI Number 1056181 approved January 26, 2016.

Ohio EPA has reviewed the request and concluded that exempting Erie County from the requirement to count Lime Residuals accepted at the facility toward the facility's AMDWR 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), Erie County is hereby exempted from the requirement of OAC Rule 3745-27-19(B)(2) as it applies to the acceptance of Lime Residuals used for ADC material at the facility, provided that Erie County complies with all conditions of this authorization. Erie County shall not accept for disposal solid wastes, other than Lime Residuals, in excess of the Facility's AMDWR. This exemption shall remain in effect throughout the effective period of this authorization unless otherwise revoked.

EXEMPTION FROM ORC SECTIONS 3734.57(A) and 3734.573

Erie County has requested an exemption from the state solid waste disposal fee and the Erie County Solid Waste Management District 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 3734.573 requires that the 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, Erie County proposes to exclude Lime Residuals used for ADC material from the applicable fees to be collected and remitted under ORC Section 3734.57(A) and ORC Section 3734.573.

Ohio EPA has reviewed the request and concluded that exempting Erie County from the requirement to collect and remit the fees under ORC Section 3734.57(A) 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), Erie County is hereby exempted from the requirements of ORC Section 3734.57(A) and ORC Section 3734.573 as they apply to Lime Residuals used for ADC material at the Facility, provided that Erie County 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
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

Erie County Sanitary Landfill
OAC Rules 3745-27-19(F)(3) & 3745-27-03(B)
Page 6 of 6

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 a long horizontal stroke at the end.

Craig W. Butler
Director

cc: Bryan Gill, Erie County Sanitary Landfill
Lisa Beursken, Erie County SWMD
Craig Ward, Erie County Health Department
Scott Hester, Ohio EPA-CO
Mike Reiser, Ohio EPA-NWDO