



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

JUNE 30, 2017

Hancock County Commissioners  
514 South Main Street, 2<sup>nd</sup> Floor  
Findlay, Ohio 45840

Re: Hancock County Landfill  
Director's Authorization  
Approval  
Municipal Solid Waste Landfills  
Hancock County  
MSWL018759

Hancock County Landfill  
Non-Permit Related Exemptions  
Approval  
Municipal Solid Waste Landfills  
Hancock County  
MSWL018759

Ohio EPA JUN 30 '17  
Entered Directors Journal

**Subject: Hancock County Landfill, Hancock County  
Alternative Daily and Intermediate Cover Material Approvals  
Ohio Administrative Code (OAC) Rule 3745-27-03(B) Exemptions**

Dear Commissioners:

On May 5, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Materials and Waste Management (DMWM), received a request for authorization to use soils treated with ECOBOND®, due to lead contamination, from the former Jaqua Shooting Range in Findlay, Ohio (Treated Soils), as alternative daily cover (ADC) material and alternative intermediate cover (AIC) material at the Hancock County Landfill (Facility) in Hancock County. The request was submitted in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3) and OAC Rule 3745-27-19(G)(2). The request is dated May 4, 2017, and was submitted via e-mail by Mr. Ed Merriman, The Mannik & Smith Group Inc., on behalf of the Hancock County Commissioners (Hancock County). The Facility is an active municipal solid waste landfill.

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."

OAC Rule 3745-27-19(G)(2) states, "Intermediate cover material shall be nonputrescible and have low permeability to water, good compactability, cohesiveness, and relatively uniform texture, and shall not contain large objects in such quantities as may interfere with its application and intended purpose. A soil layer, a minimum of twelve inches thick, consisting of well-compacted loam, silt loam, clay loam, silty clay loam, silty clay or some combination thereof, shall be used. The owner or operator may use other materials or thicknesses for intermediate cover if the owner or operator can demonstrate the satisfaction of the director that the proposed intermediate cover material or thickness provides comparable and adequate protection."

Ohio EPA has reviewed the information contained in the request and has determined that Treated Soils has the potential to provide protection comparable to six (6) inches of soil as required by OAC Rule 3745-27-19(F) and provide protection comparable to twelve (12) inches of soil as required by OAC Rule 3745-27-19(G). Therefore, pursuant to OAC Rule 3745-27-19(F)(3)(b) and OAC Rule 3745-27-19(G)(2), I hereby authorize Hancock County to use Treated Soils as alternative daily cover material and alternative intermediate cover material at the Facility.

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

#### **CONDITIONS**

1. This authorization is limited to the use of only Treated Soils at the Facility. No other ADC or AIC material may be used at the Facility without prior authorization from Ohio EPA.
2. As ADC, Hancock County shall place a minimum 6-inch-thick layer of Treated 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. Treated Soils shall be applied such that all waste materials are completely covered. Prior to placing the next layer of waste, Treated Soils shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system.
3. As AIC, Hancock County shall place Treated Soils on filled areas of the landfill where additional waste will not to be deposited for at least thirty days. Prior to the placement of the next layer of waste in that area, the Treated Soils shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system within the limits of waste placement.
4. If inclement weather conditions render the placement or use of Treated Soils ineffective or otherwise unsatisfactory, Hancock County shall temporarily revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F) or OAC Rule 3745-27-19(G)(2) until such conditions cease to exist. Under such circumstances, Hancock County may apply another ADC or AIC material that has

been approved for use at the Facility, provided that the ADC or AIC material is able to perform effectively under the inclement conditions.

5. If Hancock County determines Treated Soils are ineffective or otherwise unsatisfactory under normal operating conditions, Hancock County shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F) or OAC Rule 3745-27-19(G)(2). Under such circumstances, Hancock County may apply another ADC or AIC material that has been approved for use at the Facility. Hancock County shall verbally notify Ohio EPA, DMWM, NWDO and Hancock Public Health of this action by the end of the next working day and shall submit written notification to Ohio EPA, DMWM, NWDO and Hancock Public Health within fourteen (14) calendar days. This notification is not necessary if use of Treated Soils ceases only on a temporary basis in accordance with Condition Number 4.
6. If Ohio EPA or Hancock Public Health determines that the use of Treated Soils are ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use Treated Soils as ADC or AIC material may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, Hancock County shall cease using Treated Soils as ADC or AIC material at the Facility and shall revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F) or OAC Rule 3745-27-19(G)(2). Under such circumstances, Hancock County may apply another ADC or AIC material that has been approved for use at the Facility.
7. Hancock County shall utilize the Treated Soils as ADC and AIC material consistent with the May 5, 2017, submittal titled "ADC Request for Hancock County Landfill."
8. Treated Soils shall not be used as final cover at the Facility.
9. Hancock County shall promptly reapply Treated Soils if waste becomes exposed.
10. 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 Hancock 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)**

Hancock 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, Hancock County proposes to stockpile Treated Soils within the approved limits of waste placement of the yet to be constructed lateral unit or within the lateral limits of waste placement, but above the vertical limits, of the active unit.

Ohio EPA has reviewed the request and concluded that allowing Hancock County to stockpile Treated Soils within the approved limits of waste placement of the yet to be constructed lateral unit or within the lateral limits of waste placement, but above the vertical limits, of the active unit 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), Hancock County is hereby exempted from the requirement of OAC Rule 3745-27-19(E)(7)(e) as it applies to the deposition of Treated Soils admitted to the facility at the working face, provided that Hancock 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)**

Hancock 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, Hancock County proposes to exclude the acceptance of Treated Soils from being counted toward the Facility's authorized maximum daily waste receipt (AMDWR), as established in PTI Number 03-18094 approved May 12, 2006.

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

**END OF EXEMPTION**

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 regarding this authorization, please contact Curtis DeLong of Ohio EPA, NWDO at (419) 373-3033.

Sincerely,



Craig W. Butler  
Director

cc: Lindsay Summit, Hancock Public Health  
Scott Hester, Ohio EPA-CO  
Mike Reiser, Ohio EPA-NWDO