



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

Ohio EPA OCT 25 '17
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OCTOBER 25, 2017

Ms. Dawn Wright
Environmental Manager
Lorain County Landfill, LLC
43502 Oberlin-Elyria Road
Oberlin, Ohio 44074

**RE: Lorain County Landfill LLC
Director's Authorization
Approval
Municipal Solid Waste Landfills
Lorain County
MSWL018801**

**Subject: Lorain County II Landfill, Lorain County
Temporary Alternative Daily Cover Material Approval**

Dear Ms. Wright:

On July 12, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a request for authorization to use activated carbon-treated coal combustion fly ash (carbon-treated fly ash) from NRG Energy Avon Lake facility (NRG) as alternative daily cover (ADC) material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b) at Lorain County II Landfill (Facility) located at 43502 Oberlin-Elyria Road, Oberlin, Lorain County. The request is dated July 12, 2017 and was prepared by Lorain County Landfill, LLC.

OAC Rule 3745-27-19(F)(3)(b) states: "The director may approve alternative materials, other than solid waste, or other thicknesses for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the proposed alternative material or thickness provides protection that is 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 an alternative material or thickness for daily cover prior to utilizing the alternative material or thickness."

Ohio EPA has reviewed the information contained in the July 12, 2017 request and determined that carbon-treated fly ash has 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)(b), I hereby authorize Lorain County II Landfill LLC to use carbon-treated fly ash as ADC material at the Facility.

As part of this approval, Lorain County Landfill, LLC is subject to the following conditions:

CONDITIONS

1. This approval is limited to the use of carbon-treated fly ash as described in the July 12, 2017 request at the Facility. No other ADC material may be used at the Facility without prior authorization from Ohio EPA.
2. Lorain County Landfill, LLC shall place carbon-treated fly ash over exposed solid waste 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. The carbon-treated fly ash shall be applied such that all solid waste is completely covered. Prior to placing the next layer of waste, the carbon-treated fly ash 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 carbon-treated fly ash ineffective or otherwise unsatisfactory, Lorain County Landfill, LLC 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, Lorain County Landfill, LLC 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 weather conditions.
4. If Lorain County Landfill, LLC determines that carbon-treated fly ash is ineffective or otherwise unsatisfactory under normal operating conditions, Lorain County Landfill, LLC shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, Lorain County Landfill, LLC may apply another ADC material that has been approved for use at the Facility. Lorain County Landfill, LLC shall notify Ohio EPA, DMWM, NEDO and the Lorain County Health Department of this action by the end of the next working day and shall submit written notification to Ohio EPA, DMWM, NEDO within fourteen (14) calendar days. This notification is not necessary if use of carbon-treated fly ash ceases only on a temporary basis in accordance with Condition Number 3.
5. If Ohio EPA or the Lorain County Health Department determines that the use of carbon-treated fly ash is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use carbon-treated fly ash may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, Lorain County Landfill, LLC shall cease using carbon-treated fly ash 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, Lorain County Landfill, LLC may apply another ADC material approved for use at the Facility.

6. The Facility shall not have more than 40,000 square feet of waste covered with carbon-treated fly ash at any one time. Soil or other approved ADC material shall be used as daily cover on any remaining areas of exposed waste.
7. Carbon-treated fly ash shall not be used as intermediate cover or final cover at the Facility. Any solid waste disposal area that has been covered with carbon-treated fly ash and inactive for a period of thirty (30) days shall be covered with at least twelve (12) inches of soil in accordance with OAC Rule 3745-27-19(G)(2).
8. Lorain County Landfill, LLC shall promptly reapply carbon-treated fly ash if waste becomes exposed.
9. Daily inspections shall be conducted to ensure that use of carbon-treated fly ash complies with OAC Rule 3745-27-19(F). These inspections 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.
10. Not later than two hundred seventy (270) days after the written notification required by Condition Number 12 of this authorization, Lorain County Landfill, LLC shall submit a report to Ohio EPA, NEDO and the Lorain County Health Department comparing the effectiveness of carbon-treated fly ash to conventional soil cover. The report shall contain a discussion of the following items:
 - a. The number of days that carbon-treated fly ash was used;
 - b. The total volume of carbon-treated fly ash that was used;
 - c. Weather or other conditions that prohibited the effective placement of carbon-treated fly ash;
 - d. The number of days odors were detected at the waste placement area prior to removing or otherwise disturbing the ADC in preparation for daily operations;
 - e. The presence of vectors, rodents, or insects at the waste placement area prior to removing or otherwise disturbing the ADC in preparation for daily operations;
 - f. Any change in the amount of blowing litter;
 - g. Any change in the amount of erosion as compared to areas with conventional soil cover;
 - h. Any "drag out" of carbon-treated fly ash beyond the immediate area of the day's waste placement area;
 - i. Any excessive dust resulting from the use of carbon-treated fly ash.
11. This authorization to use carbon-treated fly ash as ADC material shall expire three hundred sixty-five (365) days after the written notification required by Condition Number 12 of this authorization. Lorain County Landfill, LLC shall not continue to use carbon-treated fly ash after this date unless the report required in Condition

Number 10 is submitted and authorization for the continued use of carbon-treated fly ash as ADC material is granted.

12. Lorain County Landfill, LLC shall provide written notification, via email, to Ohio EPA and the Lorain County Health Department at least twenty-four (24) hours before commencing use of carbon-treated fly ash as ADC material.
13. This authorization shall expire three hundred sixty-five (365) days after its effective date if Lorain County Landfill, LLC has not commenced use of carbon-treated fly ash as ADC material.
14. Carbon-treated fly ash shall only be applied as ADC material on interior slopes of the landfill where surface water that may contact carbon-treated fly ash will be contained within the confines of the leachate collection system.
15. Any stockpiles or storage areas for carbon-treated fly ash shall be located within the current phase of operation. Any water that comes into contact with carbon-treated fly ash, either during use as ADC material or during storage, shall be directed to the leachate collection system.
16. Lorain County Landfill, LLC shall take photographs from at least two (2) opposing sides of the working face on the first day that carbon-treated fly ash is applied as ADC and weekly thereafter. All photographs shall be maintained at the Facility and made available to Ohio EPA and the Lorain County Health Department upon request. Each photograph shall be labeled with the date and time that it was taken along with the name of the photographer, the direction the photographer was facing, and a general description of the area depicted.
17. 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 Republic from responsibility under Ohio Revised Code (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, 4th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Katharina Snyder of Ohio EPA, NEDO, DMWM at (330) 963-1257.

Sincerely,

A handwritten signature in black ink that reads "Craig W. Butler". The signature is written in a cursive style with a large initial "C".

Craig W. Butler
Director

CWB:KS:cla

ec: Jarnal Singh, Ohio EPA, NEDO, DMWM
Scott Hester, Ohio EPA, Central Office, DMWM
John Sabo, Lorain County Health Department
Dawn Wright, Republic Services
Rick Kostelnick, Republic Services