



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

MAY 14, 2018

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

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

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

Ohio EPA MAY 14 '18
Entered Directors Journal

Dear Ms. Wright:

On March 23, 2018, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a written request for authorization to use incinerator ash from the Southerly Wastewater Treatment Plant of the Northeast Ohio Regional Sewer District (NEORS D ash) as alternative daily cover (ADC) material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(a) at Lorain County II Landfill (Facility) in Lorain County. Lorain County Landfill, LLC (Lorain) is the current owner of 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 environment. The owner or operator must obtain written approval to use solid waste for alternative daily cover prior to utilizing the solid waste."

Specifically, Lorain requested to use NEORS D ash. Ohio EPA has reviewed the information contained in the request and has determined that NEORS D ash has the properties 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 Lorain to use NEORS D ash as an alternative daily cover material at the Facility.

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

CONDITIONS

1. This approval is limited to the use of only NEORSD ash at the Facility. No other ADC material may be used at the Facility without prior authorization from Ohio EPA.
2. Lorain shall place a six (6) to twelve (12)-inch thick layer of NEORSD ash 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. The NEORSD ash shall be applied such that all solid waste is completely covered. Prior to placing the next layer of waste, the NEORSD 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 NEORSD ash ineffective or otherwise unsatisfactory, Lorain 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 may apply another ADC material that has been approved for use at the Facility, provided the ADC material is able to perform effectively under the inclement weather conditions.
4. If Lorain determines NEORSD ash is ineffective or otherwise unsatisfactory under normal operating conditions, Lorain shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, Lorain may apply another ADC material that has been approved for use at the Facility. Lorain shall verbally notify Ohio EPA, DMWM, NEDO and the Lorain County General Health District 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 NEORSD ash ceases only on a temporary basis in accordance with Condition Number 3.
5. If Ohio EPA or the Lorain County General Health District determines that the use of NEORSD ash is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use NEORSD ash may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, Lorain shall cease using NEORSD 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 may apply another ADC material approved for use at the Facility.
6. NEORSD ash shall not be used as intermediate cover or final cover at the Facility. Any solid waste disposal area that remains inactive for a period of seven (7) days and which has been covered with NEORSD ash shall be

covered with at least six (6) inches of soil in accordance with OAC Rule 3745-27-19(F) by the end of the seventh day.

7. Lorain shall promptly reapply NEORSR ash if waste becomes exposed.
8. The use and location of NEORSR ash 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. NEORSR ash shall only be applied as ADC material on internal slopes of the landfill where surface water that may contact NEORSR ash will be contained within the confines of the leachate collection system.
10. Any stockpiles or storage areas for NEORSR ash shall be located within the current phase of operation. Any water that comes into contact with NEORSR ash, either during use as ADC material or during storage, shall be directed to the leachate collection system.

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 Lorain 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.

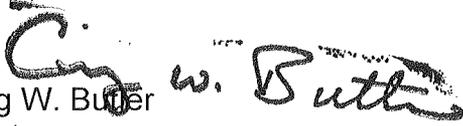
You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds 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, OH 43215

Lorain County II Landfill
OAC Rule 3745-27-19(F)(3)(a)
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If you have any questions regarding this authorization, please contact Katharina Snyder of Ohio EPA, NEDO, DMWM at (330) 963-1257.

Sincerely,


Craig W. Butler
Director

CWB:KS

ec: Lynn Sowers, Ohio EPA, NEDO, DMWM
Scott Hester, Ohio EPA, Central Office, DMWM
Tom Blackford, Lorain County General Health District
Juston Carpenter, Lorain County General Health District
Dawn Wright, Republic Services
Rick Kostelnick, Republic Services