



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

MAY 25, 2018

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

Ohio EPA MAY 25 '18
Entered Directors Journal

**Subject: Erie County Sanitary Landfill, Erie County
Alternative Daily Cover Material Approval**

Dear Commissioners:

On January 25, 2018, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO) received a written request for authorization to use contaminated soil from NASA Plum Brook (NPBS) as alternative daily cover (ADC) material in accordance with Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(a) at Erie County Sanitary Landfill (Facility) in Erie County. The Erie County Commissioners (ECC) are 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 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 the NPBS has 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 the owner or operator of the Erie County Sanitary Landfill to use NPBS as an alternative daily cover material at the Facility.

As part of this approval, the owner or operator is subject to the following conditions:

CONDITIONS

1. This approval is limited to the use of only NPBS at the Facility. No other ADC material may be used at the Facility without prior authorization from Ohio EPA.
2. ECC shall place a six (6) to twelve (12)-inch layer of NPBS 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 NPBS shall be applied such that all solid waste is completely covered. Prior to placing the next layer of waste, NPBS 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 NPBS ineffective or otherwise unsatisfactory, ECC 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, ECC 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 ECC determines NPBS is ineffective or otherwise unsatisfactory under normal operating conditions, ECC shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F). Under such circumstances, ECC may apply another ADC material that has been approved for use at the Facility. ECC shall verbally notify Ohio EPA, DMWM, NWDO and 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 within fourteen (14) calendar days. This notification is not necessary if use of NPBS ceases only on a temporary basis in accordance with Condition Number 3.
5. If Ohio EPA or Erie County Health Department determines that the use of NPBS is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use NPBS may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, ECC shall cease using NPBS 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, ECC may apply another ADC material that has been approved for use at the Facility.
6. NPBS shall not be used as intermediate 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 NPBS 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. ECC shall promptly reapply NPBS if waste becomes exposed.

8. The use and location of NPBS 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. NPBS shall be utilized only on internal slopes where surface water that may contact NPBS will be contained within the confines of the leachate collection system.
10. The NPBS shall be counted against the Facility's authorized maximum daily waste receipt.
11. This authorization to use contaminated soils as alternative daily cover will expire upon the completion of remediations at the NASA Plum Brook Facility as described in the request dated January 25, 2018. The owner or operator may not use the contaminated soils after remediations at the NASA Plum Brook Facility are complete and must return to using conventional soil cover or another authorized alternative daily cover.

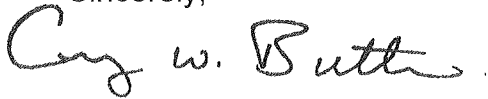
Nothing in this letter shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations. This letter shall not be interpreted to release the owner or operator from responsibility under ORC Chapters 3704, 3714, 3734 or 6111; under the Federal 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 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

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 that reads "Craig W. Butler". The signature is written in a cursive style with a period at the end.

Craig W. Butler
Director

cc: Bryan Gill, Erie County Landfill
John Rufo, Erie County Landfill
Craig Ward, Erie County Health Department
Scott Hester, Ohio EPA-CO
Mike Reiser, Ohio EPA-NWDO