



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

SEP 14 2012

ENTERED DIRECTOR'S JOURNAL

September 14, 2012

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

Rod Deeds, General Manager
Tunnel Hill Reclamation, LP
P.O. Box 625
New Lexington, OH 43764

 Date: 9/14/12

**Re: Tunnel Hill Reclamation MSW Landfill
Ohio Administrative Code (OAC) Rule 3745-27-10(C)(7)(g) Approval**

Dear Mr. Deeds:

On February 16, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO) received a document titled, "Ground-Water Detection Monitoring Plan Tunnel Hill Reclamation Landfill" (Document) for the Tunnel Hill Landfill (Facility), located in Perry County. The Document was submitted by Eagon & Associates, Inc., on behalf of Tunnel Hill Partners, and contains a request to include previously identified exceedances into the respective background observation periods.

The Facility has a history of false positives related to natural variability in ground water quality. In each instance, Ohio EPA has granted approval to continue detection monitoring in accordance with OAC 3745-27-10(D)(7)(c). Therefore, The Facility requests inclusion of previously identified exceedances into the respective background observation periods in accordance with OAC 3745-27-10(C)(7)(g).

Pursuant to Ohio Administrative Code Rule 3745-27-10(C)(7)(g) background data can be added only in blocks of data resulting from the analysis of four or more statistically independent samples after the data have been statistically compared to current background data and no statistical differences are detected, unless another method is deemed acceptable to the Director of Ohio EPA (Director).

Ohio EPA, has reviewed the Document and concurs with the Facility's request to include barium at MW-3A, barium and chloride at WBMW-10A, and cobalt and nickel at WBMW-16C into the respective background observation periods in accordance with OAC 3745-27-10(C)(7)(g). Therefore, pursuant to OAC Rule 3745-27-10(C)(7)(g), the owner, or operator is hereby authorized to update the background database for barium at MW-3A, barium and chloride at WBMW-10A, and cobalt and nickel at WBMW-16C.

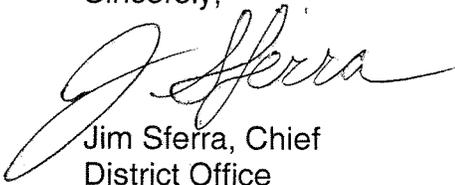
Perry County
Tunnel Hill Reclamation, LP
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You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. The appeal must be in writing and set forth 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
77 South High Street, 17th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Erika Jackson of Ohio EPA, SEDO at (740) 380-5228.

Sincerely,



Jim Sferra, Chief
District Office
for Scott J. Nally, Director

JS/EJ/sb

cc: Rich Fox, DMWM-SEDO
Ben Reed, GW-SEDO
Scott Hester, DMWM-CO
Chris Cobel, Eagon & Associates
Cary Bowers, S.I.T., Perry County Health Department