



OHIO E.P.A.

NOV - 1 2012

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

ENTERED DIRECTOR'S JOURNAL

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.

November 1, 2012

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

By: John Kasich Date: 11-1-12

**Re: Tunnell Hill Reclamation MSW Landfill
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval**

Dear Mr. Deeds:

On August 13, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO) received a document titled, "Statistical Analysis of Detection Monitoring Results 2012 First Semiannual Event Tunnell Hill Reclamation Landfill," dated August 9, 2012, for the Tunnell Hill Landfill (Facility) located in Perry County. This document was submitted by Eagon & Associates, Inc., on behalf of Tunnel Hill Partners, and contains the ground water sampling results and the statistical analysis from the May 30, 2012, ground water sampling event at the Facility.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant exceedances were detected: MW-3A barium, WBMW-10A barium and chloride, and WBMW-16C cobalt and nickel.

The exceedance at MW-3A was 0.120 mg/L for barium. The exceedances at WBMW-10A were 0.0819 mg/L barium and 159 mg/L chloride. The exceedances at WBMW-16C were 0.0879 mg/L cobalt and 0.0529 mg/L nickel.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator may demonstrate that a source other than the sanitary landfill facility caused the contamination, or that the statistically significant change resulted from error in sampling, analysis, or statistical evaluation or natural variation in ground water quality. A report documenting this demonstration must be submitted to and approved by Ohio EPA. If the owner or operator does not obtain approval to continue detection monitoring within two hundred ten (210) days from initial sampling, the owner or operator is required to comply with the provisions of OAC Rule 3745-27-10(E) for ground water quality assessment monitoring.

The August 9, 2012 document concluded that the statistically significant exceedances for barium at monitoring well MW-3A and WBMW-10A, and cobalt and nickel in monitoring well WBMW-16C, were due to natural variation in ground water quality and not as a result of impact from the landfill. Monitoring wells MW-3A, WBMW-10A, and WBMW-16C were sampled on May 30 and 31, 2012.

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Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the August 9, 2012 document. Therefore, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator is hereby authorized to continue the detection monitoring program at the Facility for monitoring wells MW-3A, WBMW-10A, and WBMW-16C.

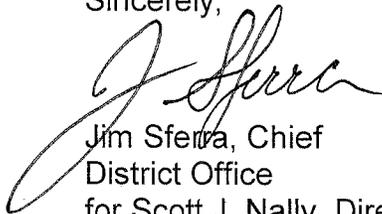
Should future or existing ground water sampling results indicate statistically significant changes in ground water monitoring parameters, the owner or operator will be required to either enter into assessment monitoring in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program.

You are hereby notified that this action of the Director of Environmental Protection Agency (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
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/mr

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