



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

P.O. Box 1049
Columbus, Ohio 43216-1049

Mr. Tony Mullet
Twilight Mining, Inc.
P.O. Box 403
Berlin, Ohio 44610

**Re: Mt. Eaton Phase III Landfill, Wayne County
Explosive Gas Monitoring Plan Approval**

Dear Mr. Mullet:

On July 29, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) received a document titled Explosive Gas Plan for the Closed Mount Eaton Phase III Landfill, Wayne County, Ohio, July 2004, dated July 29, 2004, for the Mount Eaton Phase III Landfill (Facility) located in Paint Township, Wayne County. Revisions to the plan dated December 17, 2004, and January 6, 2005, were received on December 20, 2004, and January 7, 2005, respectively. The plan was prepared and submitted by URS Corporation (URS) on behalf of Twilight Mining, Inc. (TWI).

The July 29, 2004, Explosive Gas Monitoring Plan (EGMP) and subsequent revisions were prepared in accordance with Ohio Administrative Code (OAC) Rule 3745-27-12, effective August 15, 2003.

Ohio EPA has reviewed the submitted EGMP, including the December 17, 2004, and January 6, 2005, revisions, and we have determined that it meets applicable requirements. Therefore, I hereby approve the EGMP for the closed Mount Eaton Phase III Landfill. As part of this approval, TWI is subject to the following conditions:

CONDITIONS

1. TWI shall implement the EGMP at the Facility in accordance with the request titled Explosive Gas Plan for the Closed Mount Eaton Phase III Landfill, Wayne County, Ohio, July 2004, Revised December 2004 (January 2005) only. All activities shall be conducted in strict accordance with the plans, specifications, and information submitted as part of this plan. There may be no deviation from the approved plans without the express, written approval of Ohio EPA. Any future activities may require additional Ohio EPA approval.
2. TWI shall submit initial written notice to Ohio EPA, NEDO and the Wayne County Health Department not later than seventy-two (72) hours prior to commencement of the proposed

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activities specified in the plan.

3. Not later than sixty (60) days after the effective date of this approval, TWI shall implement the EGMP. Implementation shall include installation and monitoring of temporary monitors, permanent monitors, and building alarms, as appropriate, pursuant to OAC Rule 3745-27-12(E).
4. Issuance of this approval does not constitute expressed or implied agreement that the monitoring of the Facility performed and implemented in accordance with the approved EGMP and/or its terms and conditions will constitute compliance with applicable federal and state laws, rules, and regulations, nor does issuance of this plan approval ensure that necessary operating permits or licenses will be granted.
5. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state solid waste laws or regulations. Furthermore, this authorization shall not be interpreted to release TWI or others 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, the Toxic Substances Control Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remediating conditions resulting from any release of contaminants to the environment.

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission (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. A copy of the appeal shall be served on the Director within three (3) days after filing with the Commission. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this approval, please contact John Schmidt of Ohio EPA, NEDO at (330) 963-1175.

Mr. Tony Mullet
Twilight Mining, Inc.
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Sincerely,

Joseph P. Koncelik
Director

JPK/JS/MM/sw

cc: Murat Tukul, DSIWM-NEDO
Scott Hester, DSIWM-CO
Ken Eng, Wayne County Health Department
Michael Stepic, URS Consultants