

# OHIO ENVIRONMENTAL PROTECTION AGENCY

## PERMIT TO INSTALL

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Application Number: 06-07741  
Application Received: January 12, 2005  
Permit Fee: \$80,000.00  
Permit Fee Balance: \$79,600.00

Applicant: Tunnell Hill Reclamation, LLC  
Address: P.O. Box 427, 544 Chestnut Street  
Coshocton, Ohio 43812

Name: Tunnell Hill Reclamation  
Location: The facility is located on Tunnel Hill Road, three miles northeast of New Lexington, Perry County, Ohio

PTI: New Municipal Solid Waste Landfill Facility

Issuance Date:

Effective Date:

The above-named entity is hereby issued a permit approval (permit to install) for the above-described source pursuant to Ohio Administrative Code (OAC) Rule 3745-27-02. Issuance of this permit approval does not constitute expressed or implied approval or agreement that, if constructed and/or modified in accordance with the plans, specifications, and/or information accompanying the permit application, the above-described source of environmental pollutants will operate in compliance with applicable state and federal laws, rules, and regulations, and does not constitute expressed or implied assurances that if constructed and/or modified in accordance with those plans, specifications, and/or information accompanying the permit application, the above-described source of environmental pollutants will be granted the necessary operating permits and/or licenses. This permit approval is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Ohio Environmental Protection Agency

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Joseph P. Koncelik, Director

## **PERMIT SUMMARY**

This is a DRAFT permit to install (PTI Number 06-07741) which, if approved, authorizes the construction of Tunnell Hill Reclamation (Facility), a new municipal solid waste disposal facility, to be located in Perry County. Tunnell Hill Reclamation, LLC is the owner, operator, and applicant of the proposed facility.

The PTI application proposes a 49-acre limit of waste placement with a gross capacity of 9,141,000 cubic yards. If approved, the total acreage of the Facility would encompass 544 acres, which includes the footprint of a separate construction and demolition debris facility also owned and operated by Tunnell Hill. Based on the Facility's authorized maximum daily waste receipt (AMDWR) of 5,000 tons, the anticipated life of the Facility is 4.5 years.

The proposed facility's design includes placement of added geologic material, a composite (clay/geosynthetic membrane) liner system, a leachate collection system, a surface water management system, a ground water monitoring system, an explosive gas monitoring system, and a final closure cap system. The proposed facility includes a rail unloading building and an area for transloading intermodal containers. The permit also incorporates 30 years of post-closure care and financial assurance for closure and post-closure care.

This summary is provided solely for informational purposes and does not constitute a part of, or otherwise affect, the attached permit to install.

## **PERMIT CONDITIONS**

1. The director, or an authorized representative, may enter upon the premises of the above-named applicant (permittee) at any reasonable time during construction and operation for the purpose of making inspections, conducting tests, or examining records or reports pertaining to the construction, modification, or installation of the above-described source of environmental pollutants (municipal solid waste disposal facility).
2. The proposed facility shall be constructed in strict accordance with the plans, specifications, and information submitted as part of the application for this permit approval. There may be no deviation from the approved plans without the express, written approval of the Ohio Environmental Protection Agency (Ohio EPA). Any deviation from the approved plans or the permit conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facility will operate in compliance with all Ohio laws and regulations. Additional facility components shall be installed upon orders of Ohio EPA if the proposed municipal solid waste disposal facility is inadequate or cannot meet applicable standards.

3. Issuance of this permit approval does not relieve the permittee of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
4. This permit approval shall apply only to those facilities shown on the plans submitted as part of PTI Application Number 06-07741 as received on January 12, 2005, with subsequent revisions received on June 8, 2005; November 28, 2005; and March 13, 2006.
5. This permit approval may be modified, or alternatively revoked and reissued, to comply with any revisions to OAC Chapter 3745-27 applicable to this municipal solid waste disposal facility.
6. The permittee shall provide for the proper maintenance and operation of the municipal solid waste disposal facility in accordance with the provisions of OAC Chapter 3745-27.
7. Nothing in this permit approval shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This permit approval shall not be interpreted to release the permittee 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, 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.
8. This permit approval does not authorize the acceptance of any hazardous or infectious wastes, except for those excluded from hazardous or infectious waste regulation by ORC Chapter 3734.
9. This permit approval does not authorize the acceptance of any asbestos or asbestos-containing waste material that is subject to the provisions of NESHAP, 40 CFR Part 61, Subpart M. No such asbestos or asbestos-containing waste material may be accepted without first obtaining the necessary permits from Ohio EPA.
10. Not later than seven (7) days prior to starting any construction authorized under this permit approval, the permittee shall submit to Ohio EPA, Southeast District Office (SEDO) and the Perry County Health Department written notification of the anticipated construction start date, so that construction of this Facility can be routinely inspected by Ohio EPA, SEDO and the Perry County Health Department before being placed into operation.

11. The permittee shall perform the following activities during construction and operation of the facility in accordance with the cited provisions of OAC Chapter 3745-27 as follows:
  - a. The test pad required by OAC Rule 3745-27-08(E) shall be constructed, and a report containing the test results shall be submitted to Ohio EPA, SEDO not later than fourteen (14) days prior to the initial construction date of the landfill component which the test pad models.
  - b. The pre-construction tests required by OAC Rule 3745-27-08(D) shall be performed, and the test results submitted to Ohio EPA, SEDO not later than seven (7) days prior to the intended use of the materials in construction.
  - c. The pre-construction interface tests required by OAC Rule 3745-27-08(G) shall be performed, and the test results submitted to Ohio EPA, SEDO not later than seven (7) days prior to the use of each geosynthetic material authorized by this permit approval.
  - d. The construction certification report required by OAC Rule 3745-27-08(H) shall be submitted to Ohio EPA, SEDO and the Perry County Health Department not later than forty-five (45) days prior to the anticipated date of waste receipt. Pursuant to OAC Rule 3745-27-19(C)(1), the permittee shall not accept waste in a phase until Ohio EPA, SEDO provides written concurrence of the construction certification report for that phase.
  
12. The permittee shall provide for the following inspections and facility maintenance:
  - a. The permittee shall provide for daily inspection of the disposal facility and completion of the Municipal Solid Waste Landfill Daily Log of Operations, Form 3. Written results of the inspections, including any corrective measures employed, shall be made available to Ohio EPA or the Perry County Health Department upon request.
  - b. Surface water control structures, including sedimentation ponds, sedimentation pond discharge structures, pipes, ditches, and culverts, shall be inspected at least monthly for erosion, clogging, or failure, and prompt corrective action shall be taken, if necessary. Written results of the inspections, including a discussion of any corrective measures taken, any water quality samples taken, and the date and weather conditions, shall be recorded on the required daily log forms. The information shall be maintained on site and submitted to Ohio EPA, SEDO and the Perry County Health Department, upon request.

- c. To ensure proper operation of sedimentation pond(s), the pond(s) shall be cleaned out completely annually, or more frequently if the volume of the settled particles necessitates cleaning based either on inspection results or to maintain the storage volume required by OAC Rule 2745-27-08(D)(3).
13. The permittee shall execute and fund a financial assurance instrument meeting the requirements of OAC Rules 3745-27-15, 3745-27-16, and 3745-27-17 prior to waste acceptance.
14. In accordance with OAC Rule 3745-27-02(I), this permit approval shall terminate three years after its effective date if the owner or operator has not undertaken a continuing program of installation or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation of the new facility. The owner or operator may request the establishment of a new termination date in accordance with OAC Rule 3745-27-02(I)(2).
15. This permit will not be issued as a final action until the permittee submits an analysis to Ohio EPA, SEDO, which shows that ground water seepage will not result in adverse impacts to the Facility's engineered components.
16. This permit will not be issued as a final action until all necessary permits and authorizations are obtained from Ohio EPA.
17. This permit will not be issued as a final action until the director has determined, based on review of the disclosure statements submitted to the Attorney General's Office, that the applicant meets the background check criteria specified in ORC Section 3734.44.
18. Pursuant to ORC Sections 3745.11(Q) and (V), payment of the solid waste permit to install fee balance, in the amount of \$79,600.00 payable to "Treasurer, State of Ohio," shall be submitted to Ohio EPA, Attn: Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049. The fee balance shall be submitted within thirty (30) days of the effective date of this permit approval. Failure to timely submit the required permit fee balance will result in assessment of late penalties in accordance with ORC Sections 3745.11(Q) and (V).

**END OF PERMIT CONDITIONS**