



OHIO E.P.A.

FEB 26 2015

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

ENTERED DIRECTOR'S JOURNAL

FEB 25 2015

Rod Deeds
Tunnell Hill Reclamation, LLC
P.O. Box 625
New Lexington, OH 43764

Re: Tunnell Hill Reclamation Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfills
Perry County
MSWL018748

**Subject: Tunnell Hill Reclamation Landfill, Perry County
Authorization to Construct and Operate a Solidification Basin**

Dear Mr. Deeds:

On May 23, 2014, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO), received an authorization request titled *Authorization Request to Operate a Solidification Basin, Tunnell Hill Reclamation Landfill, Perry County, Ohio* which was prepared by Civil & Environmental Consultants, Inc. (CEC), on behalf of Tunnell Hill Reclamation, LLC (Tunnell Hill). Tunnell Hill has requested to receive non-hazardous bulk liquids, process the wastes through proposed solidification basins, and then dispose the created solid wastes at the Tunnell Hill Reclamation Landfill (Facility), which is owned and operated by Tunnell Hill. Tunnell Hill has also requested to divert accepted select solid wastes and construction and demolition debris and not immediately dispose the waste at the working face, as required by rule, so that the select wastes may be staged within an enclosed freestanding structure for use in the solidification basins. Ohio EPA forwarded a Notice of Deficiency to Tunnell Hill on July 18, 2014. Based on the scope of revisions, CEC submitted an entirely new authorization request on September 19, 2014 with further revisions received October 21, 2014.

Ohio EPA has completed a review of the request received September 19, 2014 and revised October 21, 2014 in accordance with Ohio Administrative Code (OAC) Rules 3745-27-19(E)(7)(e), (E)(8)(b), and (E)(8)(i) which state, in part, that:

OAC Rule 3745-27-19(E)(7)(e): *"...the owner or operator shall ensure that all waste admitted to the sanitary landfill facility is deposited at the working face, spread in layers not more than two feet thick, and compacted to the smallest practical volume. An alternate method may be used if approved in writing by the director. . ."*

OAC Rule 3745-27-19(E)(8)(b): *“The owner or operator shall not accept for disposal . . . Containerized bulk liquids or non-containerized liquids without authorization from the director.”*

OAC Rule 3745-27-19(E)(8)(i): *“The owner or operator shall not accept for disposal or dispose of...Semi-solid material containing free liquids . . . unless the owner or operator has obtained prior written authorization from Ohio EPA to dispose of that semi-solid material in the facility.”*

Based upon a review of the request received on September 19, 2014 and October 21, 2014, I have determined, pursuant to OAC Rules 3745-27-19(E)(7)(e), 3745-27-19(E)(8)(b), and 3745-27-19(E)(8)(i), that the proposed solidification basins, if constructed and operated in accordance with the request and subsequent revisions, and the following conditions, will not result in a violation of applicable laws or regulations and are unlikely to adversely affect the public safety or health or the environment. Therefore, Tunnell Hill is hereby authorized to construct and operate the solidification basins in accordance with the submitted plans, specifications, and information subject to the following conditions.

CONDITIONS

1. Tunnell Hill shall ensure that all applicable authorizations are obtained.
2. Tunnell Hill shall ensure that state solid waste fees are paid on the combined weight of the liquid and solidification agent.
3. Tunnell Hill shall ensure that liquid wastes are received solely from pre-screened customers.
4. Tunnell Hill shall maintain current OAC Rule 3745-52-11 documentation available for inspection by Ohio EPA. This information shall be updated, at a minimum, on a yearly basis.
5. Tunnell Hill shall ensure that materials used as solidification agents are non-hazardous, compatible with the liquid waste, and can result in a mixture that meets the definition of "solid waste."
6. Tunnell Hill shall ensure that surface water is diverted from the enclosed structure and directed to the existing surface water controls.
7. Tunnell Hill shall ensure that any liquid which comes in contact with the staged solidification agents is properly contained and managed as leachate.

8. Tunnell Hill shall ensure that bulk liquid wastes are not stored in the solidification basins. Bulk liquids shall be mixed, removed, and disposed in the landfill the same business day.
9. Tunnell Hill shall ensure that the storage of solidification agents occurs near the solidification basins, that the staging is in compliance with all applicable rules and regulations, and that storage and staging do not create a nuisance.
10. Tunnell Hill shall ensure that each load removed from the basins after mixing meets the definition of "solid waste" as specified in OAC Rule 3745-27-01(S)(23). At a minimum, Tunnell Hill must visually inspect every mixed load. Any load which releases liquid must be re-mixed with additional solidification agent such that the mixed load is deemed solid waste based on the paint filter liquids test referenced in OAC Rule 3745-27-19(E)(8)(i).
11. Tunnell Hill shall maintain a separate daily log, in addition to the standard daily log of operations required by OAC Rule 3745-27-19(E)(10), that lists the following information: date, the generator of the liquid waste and solidification agent (if the agent meets the definition of a "solid waste"), description of the liquid wastes and solidification agents received, and quantity of both the liquid waste and solidification agent used for each mix.
12. Tunnell Hill shall not accept for disposal hazardous waste as defined in Ohio Revised Code (ORC) Section 3734.01.
13. Tunnell Hill shall not accept for solidification any "brine" or other "waste" substances, as defined in ORC Section 1509.01, associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources.
14. Tunnell Hill shall not accept for disposal any bulk liquid wastes that increase the potential for a landfill fire.
15. Tunnell Hill shall comply with this authorization, including the details outlined in the request to construct and operate a solidification basin, received September 19, 2014 and subsequent revision received October 21, 2014, unless changes are otherwise authorized in writing by Ohio EPA.
16. Nothing in this authorization shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations except as specified herein. This authorization shall not be interpreted to release Tunnell Hill from responsibility under ORC Chapters 1509, 3704, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act;

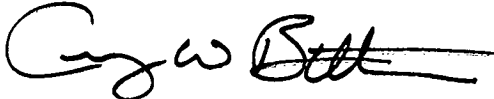
or from other applicable requirements for remedying conditions resulting from any release of containments to the environment.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to 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," which the Commission, in its discretion, may reduce 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, OH 43215

If you have any questions concerning this authorization, please contact Craig Walkenspaw of Ohio EPA, SEDO at (740) 380-5440.

Sincerely,



Craig W. Butler
Director

CB/CW/mr

cc: Rich Fox, DMWM-SEDO
Scott Hester, DMWM-CO
Perry County Health District