



Mike DeWine, Governor
John Husted, Lt. Governor
Laurie A. Stevenson, Director

March 2, 2021

Ms. Desiree Loveless
Regional Environmental Manager
Vistra Energy / Luminant
1781 US Route 52
Moscow, Ohio 45153

Re: Dynegy Zimmer LLC Residual Waste
Landfill
Director's Authorization
Document Subtype
Residual Solid Waste Landfills
RSWL018782

**Subject: Dynegy Zimmer LLC Residual Waste Landfill, Clermont County
Ohio Administrative Code (OAC) Rule 3745-30-08(C)(6)(g) Approval**

Dear Ms. Loveless:

On November 23, 2020, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a request titled, "Ground Water Analysis Background Update" (Request), dated November 17, 2020. Groundwater Stats Consulting, LLC prepared the Request, on behalf of Luminant, and proposed to update the background data group representing the background water quality at monitoring wells MW-A (calcium), MW-B (calcium), MW-9DR (total dissolved solids), and MW-11S (sulfate) at Dynegy Zimmer LLC Residual Waste Landfill located near Turkey Foot Road and State Route 756, Moscow, Ohio.

Pursuant to OAC Rule 3745-30-08(C)(6)(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 the current background data and no statistical differences are detected, unless another method is deemed acceptable to the director.

Ohio EPA has reviewed the Request and concurs that the statistically different data be added to the existing background datasets. Ohio EPA's review determined that the owner or operator has provided sufficient evidence to demonstrate that the statistically different data can be added to the existing background datasets and meets the requirements of OAC 3745-30-08(C)(6)(g). Therefore, Ohio EPA approves this Request pursuant to OAC 3745-30-08(C)(6)(g) at Dynegy Zimmer LLC Residual Waste Landfill.

You are hereby notified that this action of the Director of Environmental Protection (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
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Jay Cavender of Ohio EPA, SWDO by email at marlin.cavender@epa.ohio.gov

Sincerely,



Bonnie Buthker
Chief, Southwest District Office
for Laurie A. Stevenson
Director, Ohio EPA

ec: Maria Lammers, DMWM, SWDO
Jeremy Carroll, DMWM, CO
Robert Wildey, Clermont County Public Health
Desiree Loveless, Vistra Energy
Chris Osterbrink, Vistra Energy
Matthew Hoyt, Vistra Energy