



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

Certified Mail

June 13, 2014

Tunnel Hill Reclamation LLC
aka/dba Tunnel Hill Partners
2500 TWP. Road 205 Rte. 2
New Lexington, Ohio 43764

Re: Tunnel Hill Reclamation LLC
Director's Final Findings & Orders
DFF&O
Municipal Solid Waste Landfill
Perry County
MSWL018748

And

Tunnel Hill Partners, LP
2500 TWP. Road 205 Rte. 2
New Lexington, Ohio 43764

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Dearth". The signature is written in a cursive, flowing style.

Brian Dearth
Administrative Processing Unit
Division of Materials and Waste Management

Enclosure:

cc: Kelly Jeter, DMWM, CO
Robin Nichols, Legal
Joe Goicochea, DMWM, SEDO

OHIO E.P.A.

JUN 13 2014

BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

By: *[Signature]*

Date: 6-13-14

ENTERED DIRECTOR'S JOURNAL

In the Matter Of:

Tunnell Hill Reclamation LLC
aka/dba Tunnel Hill Partners
2500 TWP. Road, 205 Rte. 2
New Lexington, Ohio 43764

Director's Final Findings
and Orders

and

Tunnel Hill Partners, LP
2500 TWP. Road, 205 Rte. 2
New Lexington, Ohio 43764

Respondents

PREAMBLE

The Parties having engaged in settlement discussions and desiring to avoid litigating disputed claims, have reached an agreement pursuant to the Ohio Revised Code ("ORC") 3745.01 to resolve said claims through these Findings and Orders.

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Tunnell Hill Reclamation LLC, aka/dba Tunnel Hill Partners ("Respondents") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondents and successors in interest liable under Ohio law. No change in ownership of the Respondents or of the Facility as hereinafter defined shall in any way alter Respondents' obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Tunnell Hill Reclamation Landfill ("Facility") is located at 2500 Twp. Rd., 205 Rte. 2, Perry County, Ohio.
2. Respondent Tunnell Hill Reclamation LLC and Respondent Tunnel Hill Partners, LP are each an "owner" or "operator" of the Facility as those terms are defined in Ohio Administrative Code ("OAC") Rule 3745-27-01(O)(7) and (O)(5), respectively, and Respondent Tunnell Hill Reclamation LLC is the license holder of the Facility.
3. Respondents are each a "person" as that term is defined in ORC Section 3734.01(G) and in OAC Rule 3745-27-01(P)(3).
4. The Facility is a "sanitary landfill facility" as that term is defined in OAC Rule 3745-27-01(S)(4) and is authorized to accept and dispose of "solid waste" as that term is defined in ORC Section 3734.01(E) and OAC Rule 3745-27-01(S)(23).
5. ORC Section 3734.11 states in part that, "(A) No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code. (B) No person who holds a permit or license issued under this chapter shall violate any terms and conditions of the permit or license."
6. OAC Rule 3745-27-19(B)(2) states that, "The owner or operator shall conduct all operations at the sanitary landfill facility in strict compliance with the applicable authorizing document, including (the) permit to install...."
7. On September 1, 2011, the Director approved Permit-to-install Number 06-08443 ("PTI") for the Facility.
8. On February 4, 2014, the Director approved a phasing alteration to the PTI. Specifically, this phasing alteration increased Phase 1's interim slopes, while reducing Phase 4's layover. This alteration increased Phase 1's capacity by 94,358 cubic yards.
9. During the week of June 2, 2014, the Respondents accepted a total of 11,020.18 tons of solid waste, which was placed directly upon the 3:1 northern intermediate slope to begin forming a ramp down to Phase 4A. The solid waste was placed above and beyond Phase 11's permitted limits.
10. On June 6, 2014, Ohio EPA analyzed the construction of Phase 4A, the working face currently located in Phase 11, and the current air space available at the Facility in Phase 11. Ohio EPA then compared the *2013 Tunnell Hill Reclamation Annual Report Plan* to *Tunnell Hill's February 4, 2014 phasing alteration to PTI No. 06-08443* and determined that the Respondents placed solid waste beyond Phase 11's permitted limits.

11. On June 6, 2014, Ohio EPA conducted an inspection of the Facility. Ohio EPA discussed with the Respondents the violations observed during the inspection and the Respondents acknowledged placing solid waste beyond Phase 1I's permitted limits. By letter dated June 12, 2014, Ohio EPA documented its June 6, 2014 inspection of the Facility. In this letter, Ohio EPA cited Respondents for failing to conduct all construction and operation at the Facility in strict compliance with PTI No. 06-08443.

V. ORDERS

Respondents shall achieve compliance with ORC Chapter 3734 and the rules promulgated thereunder according to the following compliance schedule:

1. Within thirty (30) days after the effective date of these Orders, Respondents shall comply with either of the following:
 - A. Obtain the Director's authorization to leave in place all solid waste currently placed outside of the permitted limits of Permit-to-Install Number 06-08443, or
 - B. Excavate and properly dispose of all solid waste currently placed outside of the permitted limits in Permit-to-Install Number 06-08443 into a licensed solid waste disposal facility.

VI. TERMINATION

Respondents' obligations under these Orders shall terminate when the Respondents certify in writing and demonstrate to the satisfaction of Ohio EPA that Respondents have performed all obligations under these Orders and the Chief of Ohio EPA's Division of Materials and Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondents of the obligations that have not been performed, in which case Respondents shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "Tunnell Hill Reclamation LLC and Tunnel Hill Partners, LP certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by the Respondents to Ohio EPA and shall be signed by a responsible official of the Respondents.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim,

cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of the Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondents, or the Facility.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southeast District Office
Division of Materials and Waste Management
Attn: Solid Waste Supervisor
2195 Front Street
Logan, Ohio 43138

And

Perry County Health Department
Attn: Health Commissioner
212 South Main Street
P.O. Box 230
New Lexington, Ohio 43764

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondents each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondents consent to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents' liability for the violations specifically cited herein. Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

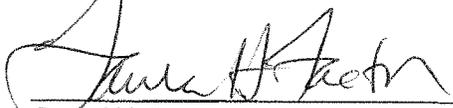
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

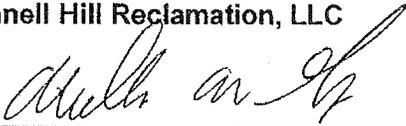
Ohio Environmental Protection Agency



Craig W. Butler
Director

IT IS SO AGREED:

Tunnell Hill Reclamation, LLC



Signature

William W Gay

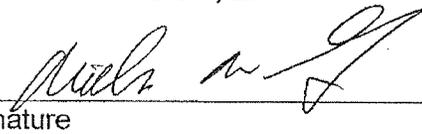
Printed or Typed Name

CEO

Title

6-13-14
Date

Tunnel Hill Partners, LP



Signature

William W Gay

Printed or Typed Name

CEO

Title

6-13-14
Date