



State of Ohio Environmental Protection Agency

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

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

**RE: Mt. Eaton Phase III Landfill, Paint Township, Wayne County
Explosive Gas Monitoring Plan Authorization Modification**

Dear Mr. Mullet:

On February 17, 2005, the Ohio Environmental Protection Agency (Ohio EPA) issued a director's letter approving the explosive gas monitoring plan (EGMP) submitted by Twilight Mining, Inc. (TMI) for the Mt. Eaton Phase III Landfill, pursuant to Ohio Administrative Code (OAC) Rule 3745-27-12.

Condition Number 3 of the February 17, 2005, approval states:

"Not later than sixty (60) days after the effective date of this approval, TMI 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)."

In a letter dated April 7, 2005, URS Consultants (URS), on behalf of TMI, requested to modify Condition Number 3 to extend the time to implement the plan due to inclement weather and scheduling issues. The submittal requested, in part, permission to implement the plan no later than May 17, 2005.

Ohio EPA has completed a review of the April 7, 2005, request, and hereby approves the request by modifying Condition Number 3 of the February 17, 2005, approval as follows:

"Not later than ninety (90) days after the effective date of this approval, TMI 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)."

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release Twilight Mining, Inc. or others from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
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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.

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 of 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's NEDO at (330) 963-1175.

Sincerely,

Joseph P. Koncelik
Director

JPK/JMS/cl/JS

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