



State of Ohio Environmental Protection Agency

OHIO E.P.A.

Southeast District Office

JUN 17 2010

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

ENTERED DIRECTOR'S JOURNAL Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

JUN 17 2010

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

Apex Sanitary Landfill
Attn.: Mr. Richard Barr
P.O. Box 157
Amsterdam, Ohio 43903

By: John Cassiter Date: 6-17-10

**RE: Apex Sanitary Landfill, Jefferson County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c) Approval**

Dear Mr. Barr:

On March 26, 2010, the Ohio Environmental Protection Agency (Ohio EPA), Southeast District Office (SEDO), received an alternate source demonstration submitted in accordance with OAC 3745-27-10(D)(7)(c)(ii) for the statistically significant increase identified during the November 2009 sampling event conducted at the Apex Sanitary Landfill. As noted in the March 26, 2010, alternate source demonstration, monitoring well B-402A had a statistically significant exceedance for chloride from less than 10 ppm in all previous samples to 100 ppm in the November 2009 sampling event.

In accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(b), Apex Sanitary Landfill notified the director of a significant change from background values within the required 75 days of withdrawing a sample.

The demonstration was reviewed by the Division of Drinking and Ground Waters (DDAGW) and the Division of Solid and Infectious Waste Management (DSIWM). Upon review, the demonstration data submitted adequately supports the Apex Sanitary Landfill's conclusion for the statistically significant increase.

Based on the data within the March 26, 2010, alternate source demonstration, Ohio EPA accepts Apex's conclusions that the statistical triggers for chloride at B-402A were not landfill derived. That is, Ohio EPA does not believe the statistical triggering was a sign of waste-derived releases from the landfill. The data appears to reflect that well B-402A cannot be impacted by waste derived contaminants from the current location of the landfill due to its upgradient location and hydrogeologic isolation from the landfill. Therefore, Ohio EPA approves continuation of the detection monitoring program in accordance with OAC Rule 3745-27-10(D)(7)(c) for the parameters and wells specified above.

**JEFFERSON COUNTY
APEX SANITARY LANDFILL
OAC 3745-27-10(D)(7)(C) APPROVAL
PAGE 2 OF 2**

Should future ground water sampling results indicate statistically significant increases in ground water monitoring parameters at any of the detection monitoring wells, you must either enter into assessment monitoring in accordance with OAC 3745-27-10(E) or obtain an approval to continue in the detection monitoring program.

You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Section 3745.04 of the Ohio Revised Code. 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, which the Commission, in its discretion, may reduce if by affidavit you demonstrate 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
309 South Fourth Street, Room 222
Columbus, Ohio 43215

If you have any questions, please feel free to contact Dale Warner in the Division of Solid and Infectious Waste Management at (740) 380-5435.

Sincerely,



Craig Butler, Chief
Southeast District Office
for Chris Korleski, Director

CB/CK/jg

cc: Jefferson County Health Department
Scott Hester, DSIWM, CO
SEDO-DSIWM
SEDO-DDAGW