

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

OHIO E.P.A.

DEC 13 2010

ENTERED DIRECTOR'S JOURNAL

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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
P.O. Box 157
Amsterdam, Ohio 43903

By: Janet Lassiter Date: 12-13-10

Attention: Mr. Richard Barr

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

Dear Mr. Barr:

On November 18, 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 May 2010 sampling event conducted at the Apex Sanitary Landfill. As noted in the November 18, 2010, alternate source demonstration, monitoring well B-413R had a statistically significant exceedance for chloride from less than 5 ppm in all previous samples to 7 ppm in May 2010 and 11 ppm in July 2010 confirmation 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 seventy five 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 Landfills conclusion for the statistically significant increase.

Based on the data within the November 18, 2010, alternate source demonstration, Ohio EPA accepts Apex's conclusions that the statistical triggers for chloride at B-413R 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-413R has not been impacted by waste derived contaminants from the current location of the landfill but rather is the result of natural variation. 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.

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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