



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

January 4, 2012

Apex Sanitary Landfill
P.O. Box 157
Amsterdam, Ohio 43903

Attn.: Mr. Dave Matthews

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.

By: Don Lassiter Date: 1/4/12

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

Dear Mr. Matthews:

On November 2, 2011, 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 2011 sampling event conducted at the Apex Sanitary Landfill. As noted in the November 2, 2011, alternate source demonstration, monitoring well B-409 had a statistically significant exceedance for sodium of 68.3 mg/l and 3.7 mg/l for potassium during the May 2011 sampling event. On June 23, 2011, resampling of confirmed monitoring well B-409 had exceedances for sodium of 71.2 mg/l and potassium of 3.6 mg/l.

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 Materials and Waste Management (DMWM). 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 November 2, 2011, alternate source demonstration, Ohio EPA accepts Apex's conclusions that the statistical triggers for sodium and potassium at monitoring well B-409 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-409 have 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.

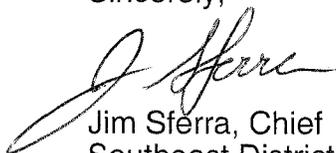
Should future ground water sampling results indicate statistically significant increases in ground water monitoring parameters at any of the detection monitoring wells, you must either enter into assessment monitoring in accordance with OAC 3745-27-10(E) or obtain an approval to continue in the detection 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
77 South High Street – 17th Floor
Columbus, Ohio 43215

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

Sincerely,



Jim Sferra, Chief
Southeast District Office
for Scott Nally, Director

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

JS/SN/DW/jg