



OHIO E.P.A.

JUL 17 2013

ENTERED DIRECTOR'S JOURNAL

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

CERTIFIED

July 17, 2013

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

Attention: 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: Debra Lasser Date: 7-17-13

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

Dear Mr. Matthews:

On April 30, 2013, 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 December 2012 sampling event conducted at the Apex Sanitary Landfill. As noted in the April 30, 2013, alternate source demonstration monitoring well B-410 had a statistically significant exceedance for sodium of 25.7 mg/l during the December 2012 sampling event. In February 2013 resampling confirmed that monitoring well B-410 had an exceedance for sodium of 24.9 mg/l. It was further determined that monitoring well B-412 had a statistically significant exceedance for chloride of 12.0 mg/l during the December 2012 sampling event. In February 2013 resampling confirmed that monitoring well B-412 had an exceedance for chloride of 10.0 mg/l. Monitoring well B-413R also had a statistically significant exceedance for sodium of 57.4 mg/l during the December 2012 sampling event. In February 2013 resampling confirmed that monitoring well B-413R had an exceedance for sodium of 43.2 mg/l. And finally monitoring well B-414 had a statistically significant exceedance for chloride of 7.0 mg/l during the December 2012 sampling event. In February 2013 resampling confirmed that monitoring well B-414 had an exceedance for sodium of 7.0 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 Landfills conclusion for the statistically significant increase.

Based on the data within the April 30, 2013, alternate source demonstration, Ohio EPA accepts Apex's conclusions that the statistical triggers for sodium and chloride at monitoring well's B-410, B-412, B-413R and B-414 were not landfill derived. That is, Ohio EPA does not believe the

APEX SANITARY LANDFILL
PAGE 2

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.

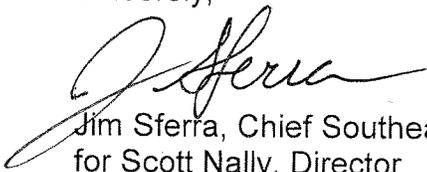
This approval shall not be construed to release the owner or operator from the obligation to comply with the requirements of any other ground water quality assessment monitoring program being conducted at the Facility.

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 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 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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 St., 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

JS/SN/DW/mr

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