

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

OHIO E.P.A.

DEC 13 2013

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.

ENTERED DIRECTOR'S JOURNAL

By: 

Date: 12.13.2013

CERTIFIED

December 13, 2013

Mr. Dave Matthews
Manager
Apex Sanitary Landfill
P.O. Box 157
Amsterdam, Ohio 43903

Re: Apex Sanitary Landfill
Director's Authorization
Approval
Municipal Solid Waste Landfills
Jefferson County
MSWL018772

Subject: Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii) Approval

Dear Mr. Matthews:

On October 2, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO) received a document titled "Alternate Source Demonstration for Uppermost Aquifer System Monitoring wells B-410, B-412, B-413R and B-414" dated October 2, 2013, for the Apex Sanitary Landfill (Facility) located in Amsterdam, Jefferson County. This document was submitted by Civil & Environmental Consultants, Inc. on behalf of Apex Environmental, LLC and contains the ground water sampling results and the statistical analysis from the May 22, 2013 and June 26, 2013, ground water sampling event at the Facility.

According to the document, analysis of the ground water detection monitoring data indicated that the following statistically significant changes were detected: 27.3 mg/l sodium in monitoring well B-410; 37.7 mg/l sodium in monitoring well B-412; 68.7 mg/l sodium for monitoring well B-413R; and 6.0 mg/l for chloride in monitoring well B-414.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator may demonstrate that a source other than the sanitary landfill facility caused the contamination, or that the statistically significant change resulted from error in sampling, analysis, or statistical evaluation or natural variation in ground water quality. A report documenting this demonstration must be submitted to and approved by Ohio EPA. If the owner or operator does not obtain approval to continue detection monitoring not later than two hundred ten (210) days from initial sampling, the owner or operator is required to comply with the provisions of OAC Rule 3745-27-10(E) for ground water quality assessment monitoring.

The October 2, 2013, document concluded that the statistically significant changes for sodium at monitoring wells B-410, B-412, and B-413R and chloride for monitoring well B-414 were due to natural variability in ground water, and not as a result of impact from the landfill. Monitoring wells B-410, B-412, B-413R and B-414 were initially sampled on May 22, 2013.

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Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the October 2, 2013 document. Therefore, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator is hereby authorized to continue the detection monitoring program at the Facility for monitoring wells B-410, B-412, B-413R and B-414.

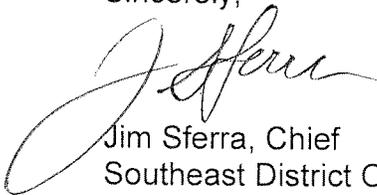
Should future or existing ground water sampling results indicate statistically significant changes in ground water monitoring parameters, the owner or operator will be required to either enter into assessment monitoring in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program.

You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code 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. 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 concerning this action, please contact Dale Warner at the Ohio EPA Southeast District Office at 740-380-5435

Sincerely,



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

JS/SN/DW/mr

cc: Rich Fox, DMWM-SEDO
Bruce Misselwitz, Jefferson County General Health District