

OHIO ENVIRONMENTAL PROTECTION AGENCY
(PERMIT-TO-INSTALL)

Application No.: 06-6219
Application Received: June 16, 2000
Permit Fee: \$17,477.58
Permit Fee Balance: \$17,077.58

Applicant: Apex Energy, Inc.
Address: P.O. Box 1298
City, State, Zip: Steubenville, OH 43952
Phone: (740) 282-5301

Name: Apex Sanitary Landfill
Location: Located east of Jefferson County Road 78 and Harrison County Road 51 approximately one mile north of State Route 646 in Springfield Township, Jefferson County.

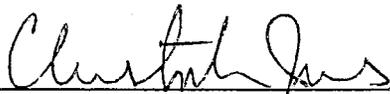
PTI: Vertical Expansion

Issuance Date: JUL 31 2002

Effective Date: JUL 31 2002

The above named entity is hereby issued a permit approval (permit-to-install) for the above described source pursuant to Ohio Administrative Code (OAC) Chapter 3745-31. Issuance of this permit approval (permit-to-install) does not constitute expressed or implied approval or agreement that, if constructed and/or modified in accordance with the plans, specifications, and/or information accompanying the permit application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws, rules, and regulations, and does not constitute expressed or implied assurances that if constructed and/or modified in accordance with those plans, specifications, and/or information accompanying the permit application, the above described source of environmental pollutants will be granted the necessary operating permits and/or licenses. This permit approval (permit-to-install) is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Ohio Environmental Protection Agency



Christopher Jones, Director

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

By: Zona L. Clements Date: 7/31/02

OHIO E.P.A.
JUL 31 2002
ENTERED DIRECTOR'S JOURNAL

PERMIT SUMMARY

This is a final permit-to-install (PTI Number 06-6219) which authorizes the vertical expansion of the Apex Sanitary Landfill. The landfill's original waste limits were established by PTI Number 17-1194, issued on January 21, 1998. The landfill is a proposed municipal solid waste facility located in Springfield Township, Jefferson County. Apex Energy, Inc. (permittee) proposes to vertically expand the facility's capacity by 1,747,758 cubic yards within its permitted solid waste disposal area of 117.54 acres. The total capacity would increase to 17,541,950 cubic yards.

This permit restates some of the PTI conditions that were included in PTI No. 17-1194. This permit does not include any change to the authorized maximum daily waste receipt (AMDWR) which is 1,500 tons. The operational life of the landfill will be approximately 25.6 years based on the AMDWR and the application of an alternative daily cover.

This landfill meets all design requirements of Ohio Administrative Code (OAC) Chapter 3745-27 which includes such components as a composite liner system (5-foot thick recompacted soil liner/flexible membrane liner), a leachate collection and management system, a ground water monitoring system, an explosive gas extraction system, and a final closure cap system. The permit also provides for 30 years of post-closure care.

This summary is provided solely for informational purposes and does not constitute a part of, or otherwise affect, the permit approval.

Conditions

1. In accordance with OAC Rule 3745-31-06(A), this permit approval shall terminate 18 months after the effective date if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation or modification. In accordance with OAC Rule 3745-31-06(C), this deadline may be extended by up to 12 months if application is made to the director not less than 60 days prior to the expiration of the 18-month period, and the party shows just cause for any such extension.
2. The director, or authorized representatives, may enter upon the premises of the above named permittee during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, or examining records or reports pertaining to the construction, modification or installation of the above described source of environmental pollutants (municipal solid waste disposal facility).

3. The proposed facility shall be constructed in strict accordance with the plans, specifications, and information submitted as part of the application for this permit to the director. There may be no deviation from the approved plans without the express, written approval of the Ohio Environmental Protection Agency (Ohio EPA). Any deviation from the approved plans or the permit conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facility will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of Ohio EPA if the proposed municipal waste disposal facility is inadequate or cannot meet applicable standards.
4. Prior to construction of the facility, the permittee shall apply for and obtain an air pollution control PTI in accordance with Ohio Revised Code (ORC) Chapter 3704 and the rules promulgated thereunder.
5. Issuance of this permit does not relieve the permittee of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
6. This approval shall apply only to those facilities shown on the plans submitted as part of PTI Application Number 06-6219, received on June 16, 2000, with subsequent revisions received on July 17, 2001; August 13, 2001; and September 18, 2001.
7. The facility's AMDWR is 1,500 tons.
8. This permit approval may be modified, or alternatively revoked and reissued, to comply with any revisions to OAC Chapters 3745-27 and 3745-31 applicable to this municipal solid waste disposal facility.
9. The permittee shall provide for the proper maintenance and operation of the municipal solid waste disposal facility in accordance with the provisions of OAC Chapter 3745-27.
10. Nothing in this permit approval shall be interpreted to release the permittee from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

11. Ohio EPA, Southeast District Office (SEDO) shall be notified of the construction starting date prior to the start of construction on each of the facility's phases so that construction of this facility can be routinely inspected by Ohio EPA, SEDO before the phases(s) are placed in operation.
12. This permit approval does not include approval for the acceptance of any hazardous or infectious waste, except for those excluded from hazardous or infectious waste regulation by ORC Chapter 3734.
13. The permittee shall perform the following activities during construction and operation of the facility in accordance with the cited provisions of OAC Chapter 3745-27:
 - a. The test pad required by OAC Rule 3745-27-08(C)(1)(m) shall be constructed and a report containing the test results shall be submitted to Ohio EPA, SEDO no later than 14 days prior to the initial construction date of the landfill component which the test pad models.
 - b. The earthen material tests required by OAC Rule 3745-27-08(D) shall be performed and the results submitted to Ohio EPA, SEDO no later than seven days prior to the intended use of the material in construction.
 - c. The construction certification report required by OAC Rule 3745-27-08(H) shall be submitted to Ohio EPA, SEDO no later than 45 days prior to the anticipated date of waste receipt in the newly constructed phase(s).
14. The permittee shall provide for the following inspections and facility maintenance:
 - a. The permittee shall provide for daily inspection of the disposal facility and completion of the daily inspection checklist and the municipal solid waste disposal facility daily log of operations. Written results of the inspections, including any corrective measures employed, shall be made available to Ohio EPA, SEDO upon request.
 - b. Surface water control structures, including sedimentation ponds, sedimentation pond discharge structures, pipes, ditches, and culverts, shall be inspected at least monthly for erosion, clogging, or failure, and prompt corrective action shall be taken if necessary. A log including inspection results, any corrective measures, and the date and weather conditions during any water quality samples, shall be maintained on-site and submitted to Ohio EPA, SEDO upon request.

- c. To ensure proper operation of the sedimentation ponds, the ponds shall be cleaned out completely when the depth of sediment reaches the cleanout elevation or volume specified in the PTI application, or when the volume of settled particles necessitates cleaning based on inspection results or to maintain the storage volume required by OAC Rule 3745-27-08(C)(6)(d). The inspections shall be performed at least annually.
15. This permit does not provide for the acceptance of any asbestos or asbestos-containing material that is subject to the provisions of NESHAP, 40 CFR Part 61, Subpart M. No such asbestos-containing waste material may be accepted without first obtaining the necessary permits from Ohio EPA.
16. Prior to waste acceptance in any disposal area authorized by this permit approval, the permittee shall execute and fund a financial assurance instrument meeting the requirements of OAC Rules 3745-27-15, 3745-27-16, and 3745-27-17.
17. Prior to waste acceptance in any disposal area authorized by this permit approval, the permittee shall revise the financial assurance cost estimates relative to the prescribed annual inflation factors.
18. The permittee shall receive authorization from the director prior to the use of any alternative daily cover at the facility.
19. Prior to the disturbance of the area reported to be contaminated in the Hydrogeologic Site Investigation Report, as included within PTI No. 06-6219, the permittee shall obtain all applicable authorizations necessary to excavate the contaminated materials.
20. The permittee shall continue to comply with all existing applicable authorizing documents for the facility. However, the activities authorized by this permit approval and its conditions shall take precedence over any conflicting plans, specifications, information, or conditions.
21. Pursuant to ORC Sections 3745.11(Q) and (V), payment of the solid waste permit-to-install fee balance, in the amount of \$17,077.58 payable to "Treasurer, State of Ohio," shall be submitted to Ohio EPA, Attn.: Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049. The fee balance shall be submitted within 30 days of the effective date of this permit approval. Failure to timely submit the required fee balance will result in assessment of late penalties in accordance with ORC Sections 3745.11(Q) and (V).

END OF CONDITIONS

OAC Rule 3745-27-07(H)(4)(d) and “Deemed Acceptable”

OAC Rule 3745-27-07(H)(4)(d) states that “the limits of solid waste placement of the sanitary landfill are not located within 200 feet of a stream, lake, or wetland, unless deemed acceptable to the director.”

As part of the landfill’s development, several wetlands located within 200 feet of the proposed limits of waste placement will be mitigated in accordance with a permit issued pursuant to Sections 401 and 404 of the Clean Water Act.

Locating the facility within 200 feet of a wetland, as proposed in PTI application, *is* hereby deemed acceptable.

OAC Rule 3745-27-07(H)(2)(b) and “Deemed Acceptable”

OAC Rule 3745-27-07(H)(2)(b) states that “the sanitary landfill facility is not located in a limestone quarry or sandstone quarry, unless deemed acceptable by the director.”

As part of the landfill’s initial development, a five-foot thick limestone seam must first be removed before the liner system can be constructed. Because the mined materials will be sold as a product, the activities constitute limestone quarrying. Once the seam is removed, the in-situ material will provide an adequate sub-base for the liner system. The proposed facility meets all of the other ground water protection siting criteria.

Locating the facility in a limestone quarry, as proposed in the PTI application, *is* hereby deemed acceptable.