

OHIO ENVIRONMENTAL PROTECTION AGENCY

PERMIT TO INSTALL

Application Number: 06-08438
Application Received: June 13, 2008
Permit Fee: \$49,816.68
Permit Fee Balance: \$49,416.68

Applicant: Apex Environmental, LLC
Address: 11 County Road 78 - P.O. Box 157
Amsterdam, OH 43903

Facility: Apex Sanitary Landfill

Location: The facility is located east of Jefferson County Road 78 and Harrison County Road 51 and approximately one mile north of State Route 646 in Springfield Township, Jefferson County and in German Township, Harrison County.

Permit: Vertical Expansion and Authorized Maximum Daily Waste Receipt Increase

Issuance Date:

Effective Date:

The above-named entity is hereby issued a permit to install (permit) for the above-described source pursuant to Ohio Administrative Code (OAC) Rule 3745-27-02. Issuance of this permit 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 is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Ohio Environmental Protection Agency

Chris Korleski, Director

PERMIT SUMMARY

This is a draft permit (PTI Number 06-08438) which, if issued as a final permit, authorizes vertical expansion of the approved limits of waste placement and increases the authorized maximum daily waste receipt (AMDWR) from 5,250 tons to 7,500 tons at the Apex Sanitary Landfill (Facility), an existing municipal solid waste disposal facility located in Jefferson and Harrison Counties. Apex Environmental, LLC is the applicant for the permit and is the owner and operator of the Facility.

The vertical expansion will create an additional 4,981,668 cubic yards of permitted airspace, which increases the total disposal capacity to 22,523,618 cubic yards. The total acreage within the limits of waste placement will remain 117.5 acres. The vertical expansion will extend the landfill's life by an estimated 5.9 years based on an AMDWR of 7,500 tons or by an estimated 7.2 years based on an anticipated daily waste receipt of 6,000 tons.

The Facility will have incorporated into its construction such features as a composite liner system (recompacted clay, a geosynthetic clay liner, and a geomembrane liner), a leachate collection system, a surface water management system, a ground water monitoring system, an explosive gas monitoring system, an explosive gas extraction system, and a final closure cap system. The permit also incorporates 30 years of post-closure care and financial assurance for closure and post-closure care.

This permit grants one exemption pursuant to Ohio Revised Code (ORC) Section 3734.02(G). The exemption is from the siting criterion in OAC Rule 3745-27-07(H)(2)(b), which requires that a sanitary landfill facility not be located in a limestone quarry or sandstone quarry.

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

PERMIT CONDITIONS

1. The Facility's AMDWR is hereby established to be 7,500 tons. This AMDWR supersedes any previously established AMDWR for the Facility.
2. The director of the Ohio Environmental Protection Agency (Ohio EPA), or an authorized representative, may enter upon the premises of the above-named applicant (permittee) at any reasonable time during construction and operation 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 Facility shall be constructed in strict accordance with the plans, specifications, and information submitted as part of the application for this permit. There may be no deviation from the approved plans without the express, written approval of 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 Facility will operate in compliance with all Ohio laws and regulations. Additional components shall be installed upon orders of Ohio EPA if the Facility is inadequate or cannot meet applicable standards.
4. 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.
5. This permit shall apply only to those facilities shown on the plans submitted as part of PTI Application Number 06-08438 received on June 13, 2008, with subsequent revisions received through April 24, 2009.
6. This permit may be modified, or alternatively revoked and reissued, to comply with any revisions to OAC Chapter 3745-27 applicable to this municipal solid waste disposal facility.
7. The permittee shall provide for the proper maintenance and operation of the Facility in accordance with the provisions of OAC Chapter 3745-27.
8. Nothing in this permit shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This permit shall not 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, 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.
9. This permit does not authorize the acceptance of any hazardous or infectious wastes, except for those excluded from hazardous or infectious waste regulation by ORC Chapter 3734.
10. This permit does not authorize the acceptance of any asbestos or asbestos-containing waste material that is subject to the provisions of NESHAP, 40 CFR

Part 61, Subpart M. No such asbestos or asbestos-containing waste material may be accepted without first obtaining the necessary permits from Ohio EPA.

11. Not later than seven days prior to starting any construction authorized under this permit, the permittee shall submit to Ohio EPA, Division of Solid and Infectious Waste Management (DSIWM), Southeast District Office (SEDO) and the Jefferson County General Health District (JCGHD) written notification of the anticipated construction start date so that construction of the Facility can be routinely inspected by Ohio EPA, DSIWM, SEDO and JCGHD before being placed into operation.
12. 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 as follows:
 - a. The pre-construction tests required by OAC Rule 3745-27-08(D) shall be performed and the test results submitted to Ohio EPA, DSIWM, SEDO not later than seven days prior to the intended use of the materials in construction.
 - b. The pre-construction interface tests required by OAC Rule 3745-27-08(G) shall be performed and the test results submitted to Ohio EPA, DSIWM, SEDO not later than seven days prior to the use of each geosynthetic material authorized by this permit.
 - c. The construction certification report required by OAC Rule 3745-27-08(H) shall be submitted to Ohio EPA, DSIWM, SEDO and JCGHD not later than 45 days prior to the anticipated date of waste receipt. Pursuant to OAC Rule 3745-27-19(C)(1), the permittee shall not accept waste in a phase until Ohio EPA, DSIWM, SEDO provides written concurrence of the construction certification report for that phase.
13. The permittee shall provide for the following inspections and facility maintenance:
 - a. The permittee shall provide for daily inspection of the Facility and completion of the Municipal Solid Waste Landfill Daily Log of Operations, Form 3. Written results of the inspections, including any corrective actions taken, shall be made available to Ohio EPA or JCGHD upon request.
 - b. Surface water control structures, including sedimentation ponds, sedimentation pond discharge structures, pipes, ditches, and culverts, shall be inspected at least weekly for erosion, clogging, or failure and

prompt corrective action shall be taken if necessary. Written results of the inspections, including a discussion of any corrective actions taken, any water quality samples taken, and the date and weather conditions, shall be recorded on the required daily log forms. The information shall be maintained on site and submitted to Ohio EPA or JCGHD upon request.

- c. To ensure proper operation of the sedimentation pond(s), the pond(s) shall be cleaned out as necessary when the volume of the settled particles necessitates cleaning based on inspection results or to maintain the storage volume required by OAC Rule 3745-27-08(D)(3).

END OF PERMIT CONDITIONS

EXEMPTION FROM OAC RULE 3745-27-07(H)(2)(b)

The permittee has requested an exemption from OAC Rule 3745-27-07(H)(2)(b), which requires that a sanitary landfill facility not be located in a limestone quarry or sandstone quarry.

Pursuant to ORC Section 3734.02(G), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a registration certificate, permit, or license or comply with other requirements of ORC Chapter 3734.

Because the limestone mining that has taken place at the Facility to date, and the limestone mining that is planned, will not compromise the suitability of the site for operating a sanitary landfill facility and maintaining a ground water monitoring network, and because a minimum 15-foot separation from the bottom of the recompacted soil liner to the uppermost aquifer system will be maintained, and because the landfill's stability will not be affected by past or future mining, granting an exemption from OAC Rule 3745-27-07(H)(2)(b) is unlikely to adversely affect the public health or safety or the environment.

Therefore, pursuant to ORC Section 3734.02(G), the permittee is hereby exempted from OAC Rule 3745-27-07(H)(2)(b), which requires that a sanitary landfill facility not be located in a limestone quarry or sandstone quarry. This exemption shall remain in effect throughout the effective period of this permit unless otherwise revoked.