



**Environmental
Protection Agency**

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

OHIO E.P.A.

JUL 13 2011

ENTERED DIRECTOR'S JOURNAL

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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.

Apex Sanitary Landfill
Attention: Mr. Richard Barr
P.O. Box 157
Amsterdam, Ohio 43903

By: Dana Lassiter Date: 7-13-11

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

Dear Mr. Barr:

On February 22, 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 December 2010 sampling event conducted at the Apex Sanitary Landfill. As noted in the February 22, 2011, alternate source demonstration monitoring well B-412 had a statistically significant exceedances for sodium of 27 mg/l in December of 2010 and 26.8 mg/l in the confirmation sample obtained in January 2011. Monitoring well B-413R had exceedances for chloride of 7 ppm in May 2010 and 11 ppm was confirmed during the sampling event conducted in July 2010. All previous samples for monitoring well B-413R were less than 5 ppm for chloride.

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 Solid and Infectious Waste Management (DSIWM). Upon review, the demonstration data submitted adequately supports the Apex Sanitary Landfills conclusion for the statistically significant increase.

Based on the data within the February 22, 2011, alternate source demonstration, Ohio EPA accepts Apex's conclusions that the statistical triggers for sodium at monitoring well B-412 and chloride at monitoring well B-413R 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-412 and B-413R 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.

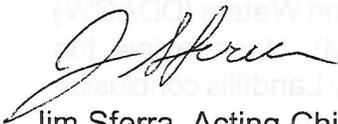
Should future ground water sampling results indicate statistically significant increases in ground water monitoring parameters at any of the detection monitoring wells, you must either enter into assessment monitoring in accordance with OAC 3745-27-10(E) or obtain an approval to continue in the detection 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
309 South Fourth Street, Room 222
Columbus, Ohio 43215

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

Sincerely,



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

JS/cb

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