

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, Ohio 43216-1049

**OHIO ENVIRONMENTAL PROTECTION AGENCY
PERMIT-TO-INSTALL**

Application Number: 06-07409
Application Received: January 8, 2004
Permit Fee: \$1,000.00
Permit Fee Balance: \$600.00 (\$1,000.00 - \$400.00)

Applicant: Apex Energy, Inc.
Address: P.O. Box 1298
Steubenville, Ohio 43952

Facility: Apex Sanitary Landfill
Location: Located east of Jefferson CR-78 and Harrison CR-51, approximately one mile north of SR-646 in Springfield Township, Jefferson County.

Permit: Authorized Maximum Daily Waste Receipt Increase

Issuance Date:

Effective Date:

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

Ohio Environmental Protection Agency

Christopher Jones, Director

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director



PTI SUMMARY

This permit approval (PTI Number 06-07409) authorizes Apex Energy, Inc. (Apex) to increase the authorized maximum daily waste receipt (AMDWR) of its Apex Sanitary Landfill (Facility) located in Jefferson County. The previous 1,500-ton AMDWR was established by PTI Number 17-1194, issued on January 21, 1998. This permit approval increases the AMDWR to 5,250 tons. Based on the new AMDWR, the Facility's current approved limits of waste placement will provide approximately seven years of operation.

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

PTI CONDITIONS

1. The director, 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).
2. The proposed source 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 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 facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of Ohio EPA if the proposed solid waste disposal facility is inadequate or cannot meet applicable standards.
3. Issuance of this permit approval does not relieve Apex of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
4. This permit approval shall apply only to those facilities shown on the plans submitted as part of PTI Number 06-6219 issued on July 31, 2002. These plans superseded the plans included in PTI Number 17-1194 issued on January 21, 1998.
5. The Facility's AMDWR is hereby established to be 5,250 tons. This supersedes any previously established AMDWR for the Facility. This approval shall apply only to the increase in the Facility's AMDWR.
6. This permit approval 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 owner or operator 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.
8. Nothing in this permit approval shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations. This permit approval shall not be interpreted to release Apex from responsibility under Ohio Revised Code (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 approval 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.
10. This permit approval does not authorize the acceptance of any hazardous or infectious wastes, except for those excluded from hazardous waste or infectious waste regulation by ORC Chapter 3734.
11. Unless specifically superseded by this permit approval, Apex shall comply with the requirements of all authorizing documents issued prior to this permit approval.
12. Pursuant to paragraphs (Q) and (V) of ORC Section 3745.11, payment of the solid waste permit-to-install fee balance, in the amount of \$600.00 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 paragraphs (Q) and (V) of ORC Section 3745.11.

END OF CONDITIONS