



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

APRIL 24, 2019

Joe Tatarek
Apex Environmental
P.O. Box 157
Amsterdam, Ohio 43903

Re: Apex Environmental LLC
Director's Authorization
Non-Approval
Municipal Solid Waste Landfills
Jefferson County
MSWL018772

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

Ohio EPA APR 24 '19
Entered Directors Journal

Dear Mr. Tatarek:

On September 10, 2018, 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 1st 2018 (June) Semi-Annual Groundwater Statistical Exceedances", for Apex Sanitary Landfill (Facility) located in Jefferson County. This document was submitted by Civil & Environmental Consultants, Inc. (CEC) on behalf of Apex Environmental, LLC (Apex) pursuant to OAC Rule 3745-27-10(D)(7)(c), and addressed statistically significant increases for chloride, potassium, and ammonia in monitoring well B-413R detected during the June 2018 ground water sampling event at the Facility.

Pursuant to OAC Rule 3745-27-10(D)(7)(c), 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 from natural variation in ground water quality.

The September 10, 2018 document concluded that the statistically significant changes in chloride, potassium, and ammonia at monitoring well B-413R were due to a source other than the landfill. Ohio EPA has reviewed the September 10, 2018 document and has determined that the owner or operator has not provided sufficient evidence to demonstrate that the statistically significant changes in chloride, potassium, and ammonia at monitoring well B-413R were from a source other than the sanitary landfill facility, due to an error in sampling, analysis, or statistical evaluation, or from natural variation in ground water quality. Therefore, the owner or operator shall comply with the ground water quality assessment program pursuant to OAC Rule 3745-27-10(E) by placing B-413R into assessment monitoring.

Chloride, potassium, and ammonia are all considered leachate indicator parameters. While the ultimate source of these increasing parameters is not yet clear, the well appears

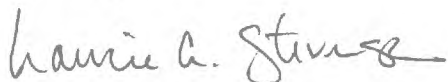
to be impacted. The west sedimentation pond may be the source of the impacts or at least a contributing source; however, Ohio EPA believes that the west sedimentation pond may be impacted by landfill activities and is, therefore, not an alternate source.

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 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
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Joe Laughery, DMWM, SEDO at (740) 380-5234.

Sincerely,



Laurie A. Stevenson
Director

CB/JL/mr

cc: Roy Stanley, Civil and Environmental Consultants, Inc.
Carla Gampolo, Jefferson County General Health District
Scott Sutliff, DMWM-CO