



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

DECEMBER 23, 2019

Apex Environmental, LLC  
Joe Tatarek  
VP of Operations  
P.O. Box 157  
Amsterdam, OH 43903

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

**Subject: Permit-To-Install No. 06-08448  
Modification of Permit Conditions**

Ohio EPA DEC 23 '19  
Entered Directors Journal

Dear Mr. Tatarek:

On March 21, 2017, the Ohio Environmental Protection Agency (Ohio EPA) issued Permit-To-Install (PTI) No. 06-08448, which authorized the vertical and lateral expansion of Apex Environmental Landfill (Facility) located in Amsterdam, Jefferson County, Ohio, to Apex Environmental, LLC (Apex). Condition 16 of the PTI states:

16. *The permittee shall construct a composite cap system, in accordance with OAC Rule 3745-27-08, across an area of the existing landfill footprint equal to the area of composite liner system being constructed in the contiguous expansion footprint. The composite cap system shall be constructed, and a certification submitted within 12 months of the date of construction certification of the lined area. The composite cap system is to be constructed and certified on at least 80 acres within 14 years of the contiguous expansion's initial construction certification.*

On September 18, 2019, Ohio EPA received a request from Civil & Environmental Consultants, on behalf of Apex, to modify Condition 16 of PTI No. 06-08448. A prior draft had been received on July 2, 2019. Apex proposed to accelerate the installation schedule, for at least 80 acres, of a *temporary exposed geomembrane cover* that will perform equivalent to the composite cap system required by Condition 16. In conjunction with the proposed *temporary exposed geomembrane cover*, Apex also requested an alternative schedule for the installation of the final composite cap system.

Ohio EPA has completed a review of the September 18, 2019 request and hereby approves the request to modify PTI No. 06-08448 by including the following conditions:

17. *In lieu of Condition No. 16, the permittee may construct a temporary exposed geomembrane cover and the composite cap system as follows:*
  - a) *Not later than December 31, 2020, the permittee shall install the temporary exposed geomembrane cover and submit certification, in accordance with*

*documentation submitted on September 18, 2019, for at least an 80-acre area of the existing landfill footprint;*

*b) The permittee shall install the composite cap system and submit certification, in accordance with OAC Rule 3745-27-08 and documentation submitted on September 18, 2019, for at least the following areas:*

- i. a 20-acre area not later than December 31, 2028 or within 12 months of submitting new construction certification of any portion of Phase 11, whichever occurs first;*
- ii. a 20-acre area not later than December 31, 2029 or within 24 months of submitting new construction certification of any portion of Phase 11, whichever occurs first; and*
- iii. a 40-acre area not later than December 31, 2032 or within 12 months of submitting new construction certification of any portion of Phase 12, whichever occurs first.*

*These 80 acres of composite cap system shall replace the temporary exposed geomembrane cover provided by Condition No. 17a, unless another area is approved by Ohio EPA;*

*c) The permittee shall install the composite cap system and submit certification, in accordance with OAC Rule 3745-27-08 and documentation submitted on September 18, 2019, for at least a 40-acre area within 12 months of submitting new construction certification of any portion of Phase 13 and a 40-acre area within 12 months of submitting new construction certification of any portion of Phase 14;*

*d) The permittee shall install temporary exposed geomembrane cover or composite cap system and submit certification, in accordance with OAC Rule 3745-27-08 and documentation submitted on September 18, 2019, for additional areas of the landfill footprint such that cumulative temporary exposed geomembrane cover and composite cap system installation equals the area of the composite liner system constructed in the contiguous expansion footprint. The additional temporary exposed geomembrane cover or composite cap system shall be installed and certified within 12 months of submitting new construction certification of any portion of Phases 11, 12, 13, and 14; and*

*e) The permittee shall install and maintain the temporary exposed geomembrane cover and composite cap system in strict compliance with the design specifications and construction and inspection schedule provided in the documentation submitted on September 18, 2019.*

*18. If Jefferson County General Health District or Ohio EPA determines that the permittee has not complied with Condition No. 17 or the temporary exposed geomembrane cover is ineffective or otherwise unsatisfactorily performing, then Condition No. 17 may be revoked upon written notification from the Director of Ohio*

*EPA. Immediately upon such revocation, the permittee shall comply with Condition No. 16.*

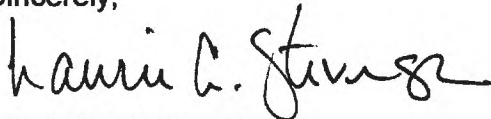
Nothing in this letter shall be construed to authorize any wavier from the requirements of any applicable federal or state laws or regulations. This letter shall not be interpreted to release the owner or operator from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under 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.

You are hereby notified that this action of the 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, 4<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions concerning this action, please contact Craig Walkenspaw, DMWM-SEDO at (740) 380-5440.

Sincerely,



Laurie A. Stevenson  
Director

CW/mr

ec: Joe Tatarek, Apex Environmental, LLC  
Jeremy Carroll, Ohio EPA, DMWM-CO  
Nathan Johnson, Ohio EPA, DMWM-SEDO  
Joe Goicochea, Ohio EPA, DMWM-SEDO  
Nicole Balakos, Jefferson County General Health District  
Marc Maragos, Jefferson County General Health District