



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

July 15, 2020

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

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

**Subject: Apex Environmental Landfill, Jefferson County
Ohio Administrative Code (OAC) Rule 3745-27-10(C)(7)(g) Approval**

Dear Mr. Tatarek:

On May 8, 2020, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO) received a document titled *OAC Rule 3745-27-10(C)(7)(g) Request to Update Statistical Background*. The document was submitted in accordance with OAC Rule 3745-27-10(C)(7)(g) by Civil & Environmental Consultants, Inc. (CEC), on behalf of Apex Environmental, LLC (Apex), and requests approval to update the background dataset with statistically significant results. This request was made for the Apex Sanitary Landfill (Facility) located in, Jefferson County, Ohio.

Pursuant to OAC Rule 3745-27-10(C)(7)(g), background data can be added only in blocks of data resulting from the analysis of four or more statistically independent samples after the data have been statistically compared to the current background data and no statistical differences are detected, unless another method is deemed acceptable to the director.

Apex has met the requirement for including a minimum of four (4) data points for all constituents and monitoring wells during the observation period. As part of the complete data set, Apex is requesting to update the background observation period with data points that were noted to be statistically significant increases, which require approval from the Director.

Apex has proposed including the following statistically significant data as part of the Facility's background data:

Monitoring Well	Constituent	Data	Sampling Date
B-404	Arsenic	6.6 ug/L	5/21/15
B-404L	Potassium	6.7 mg/L	5/16/17
B-405L	Ammonia	7.8 mg/L	6/19/19
B-405L	Ammonia	5.82 mg/L	8/22/19

B-405L	Sodium	67.0 mg/L	6/19/19
B-405L	Sodium	47.5 mg/L	8/22/19
B-405L	Ammonia	4.87 mg/L	11/19/19
B-405L	Ammonia	4.55 mg/L	1/9/20
B-405L	Sodium	45.1 mg/L	11/19/19
B-405L	Sodium	45.9 mg/L	1/9/20
B-405L	Potassium	12.0 mg/L	11/19/19
B-405L	Potassium	11.7 mg/L	1/9/20
B-405L	Potassium	14.2 mg/L	6/19/19
B-406	Chloride	8.0 mg/L	12/5/18
B-406	Chloride	8.0 mg/L	1/23/19
B-406	Chloride	9.0 mg/L	6/19/19
B-406	Chloride	9.8 mg/L	8/22/19
B-406	Arsenic	5.2 ug/L	12/5/18
B-407	Zinc	0.015 mg/L	6/19/19
B-407	Zinc	0.012 mg/L	8/22/19
B-407	Lead	3.2 ug/L	5/21/13
B-408SS	Potassium	2.9 mg/L	6/13/18
B-408SS	Potassium	3.0 mg/L	7/26/18
B-408SS	Ammonia	0.5 mg/L	12/18/14
B-408SS	Chloride	10 mg/L	11/19/19
B-410	Chloride	5.4 mg/L	5/10/11
B-410	Chloride	7.0 mg/L	6/19/19
B-410	Copper	0.011 mg/L	6/19/19
B-410	Zinc	0.018 mg/L	6/19/19
B-411	Zinc	0.011 mg/L	5/22/14
B-414	Antimony	1.8 ug/L	12/5/18
B-414	Lead	1.3 ug/L	12/5/18
B-415	Chloride	9.0 mg/L	12/4/18

B-415	Chloride	8.0 mg/L	1/23/19
B-415	Chloride	10.0 mg/L	6/19/19
B-415	Chloride	7.7 mg/L	8/22/19
B-415	Chloride	8.0 mg/L	11/19/19
B-415	Chloride	6.6 mg/L	1/9/20

Ohio EPA has reviewed the applicable information and concurs with the addition of the above data to existing background data. Therefore, pursuant to OAC Rule 3745-27-10(C)(7)(g), the owner or operator is hereby authorized to incorporate the above data in the Facility's background data.

You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code 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 of Ohio EPA, Southeast District Office at joseph.laughery@epa.ohio.gov.

Sincerely,



Harry Kallipollis
Chief, SEDO
for Laurie A. Stevenson
Director, Ohio EPA

ec: Joe Tatarek, Apex Environmental Landfill
Roy Stanley, Civil and Environmental Landfill
Joe Laughery, DMWM-SEDO
Jeremy Carroll, DMWM-CO
Nathan Johnson, DMWM-SEDO
Carla Gampolo, Jefferson County General Health District