



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

OHIO E.P.A.

JUL -8 2016

ENTERED DIRECTOR'S JOURNAL

JULY 8, 2016

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

Re: Apex Sanitary LDF
Director's Authorization
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)(ii) Approval**

Dear Mr. Tatarek:

On May 6, 2016, 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 Per OAC Rule 3745-27-10(D)(7)(c) for December Statistical Exceedances*, dated May 5, 2016, for Apex Sanitary Landfill (Facility) located in Jefferson County. This document was submitted by Civil & Environmental Consultants, Inc., on behalf of Apex Environmental, LLC, and contains the ground water sampling results and statistical analysis from the December 2015 ground water sampling event at the Facility.

According to the above referenced document, analysis of the ground water detection monitoring data indicated that the following statistically significant changes were detected: potassium in monitoring well B-401S and chloride in monitoring well B-413R.

Pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), 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 natural variation in ground water quality. A report documenting this demonstration must be submitted to and approved by Ohio EPA. If the owner or operator does not obtain approval to continue detection monitoring within two hundred ten (210) days from initial sampling, the owner or operator is required to comply with the provisions of OAC Rule 3745-27-10(E) for ground water quality assessment monitoring.

The May 5, 2016 document concluded that the statistically significant change for potassium at monitoring well B-401S was due to natural variation in ground water quality and not as a result of impact from the landfill. In addition, the statistically significant change for chloride at monitoring well B-413R was due to the influence of mine spoil and structural fill at the Facility and not as a result of impact from the landfill. Monitoring well B-401S was initially sampled on December 15, 2015, while monitoring well B-413R was initially sampled on December 16, 2015.

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the May 5, 2016 document. Therefore, pursuant to OAC Rule 3745-27-10(D)(7)(c)(ii), the owner or operator is hereby authorized to continue the detection monitoring program at the Facility for monitoring wells B-401S and B-413R.

Should future or existing ground water sampling results indicate statistically significant changes in ground water monitoring parameters, the owner or operator will be required to either enter into assessment monitoring in accordance with OAC Rule 3745-27-10(E) or obtain approval to remain in the detection monitoring program.

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
77 South High St., 17th Floor
Columbus, Ohio 43215

If you have any questions concerning this action, please contact Sara Anderson, DMWM SEDO at (740)380-5219.

Sincerely,



Holly Tucker, Chief
Southeast District Office
for Craig W. Butler, Director

CWB/HT/SA/mr

ec: Joe Tatarek, Apex Sanitary Landfill
Tim Sturm, Apex Sanitary Landfill
Roy Stanley, Civil and Environmental Consultants, Inc.
Carla Gampolo, Jefferson County General Health District
Joe Laughery, DDAGW, SEDO
Craig Walkenspaw, DMWM, SEDO