



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

November 8, 2016

Joe Tatarek
Apex Environmental, LLC
11 County Road 78
P.O. Box 157
Amsterdam, OH 43903

**Re: Apex Sanitary Landfill
Permit - Long Term
Draft for Public Comment
Municipal Solid Waste Landfills
Jefferson County
MSWL018772**

**Re: Apex Sanitary Landfill
Permit – Long Term
Exemption
Municipal Solid Waste Landfills
Jefferson County
MSWL018772**

**Re: Apex Sanitary Landfill
Permit – Long Term
Variance
Municipal Solid Waste Landfills
Jefferson County
MSWL018772**

**Subject: Apex Sanitary Landfill, Jefferson and Harrison Counties
Draft PTI Number 06-08448, Exemptions and Variance**

Dear Mr. Tatarek:

The application for a Permit to Install (PTI) with accompanying plans and specifications for the above referenced facility has been reviewed by the staff of the Ohio EPA. It is the recommendation of the staff that the Director issue a PTI since your proposal appears to comply with applicable Ohio solid waste rules.

Therefore, enclosed please find a Permit to Install which is being issued to you today in draft form pursuant to Ohio Revised Code Chapter 3734 and the rules adopted thereunder.

A public notice concerning the issuance of this draft Permit to Install will appear in the following newspapers: Herald-Star and Harrison News Herald. A public hearing will be held at 6:00 p.m. on December 13, 2016, at VFW Post 232 located at 412 Liberty Street, Amsterdam, Ohio 43903, in Jefferson County. Written comments will be accepted for the Director's consideration until the close of business on December 20, 2016. The application may be reviewed in accordance with Ohio EPA's file review procedures by contacting Ohio EPA Southeast District Office, 2195 Front Street, Logan, Ohio 43138, Tel: (740) 385-8501.

Following the close of the public comment period, the Director may issue a final Permit to Install upon such terms and conditions as he finds necessary to ensure that the operation of your facility is in accordance with Ohio's solid waste rules.

Please be advised that the detailed plans which you had submitted with your application will be transmitted with the issuance of the final permit. If you have any questions concerning this draft Permit to Install, please contact the Ohio EPA Southeast District Office at the above address and telephone number.

Sincerely,

A handwritten signature in black ink that reads "Greg Nichols". The signature is written in a cursive style with a large initial "G".

Greg Nichols, Administrative Processing Unit
Division of Materials and Waste Management

Enclosure

ec: Megan Ujvari , DMWM, CO
Scott Hester, DMWM, CO
Kristopher Weiss, PIC
Craig Walkenspaw, DMWM, SEDO
Rich Fox, DMWM, SEDO
Joe Goicochea, DMWM, SEDO
Carla Gampolo, Jefferson County Health Department

OHIO ENVIRONMENTAL PROTECTION AGENCY

PERMIT TO INSTALL

Application Number: 06-08448
Application Received: October 28, 2011
Permit Fee: \$80,000.00
Permit Fee Balance: \$79,600.00
Variance Fee: \$15.00
Variance Fee Balance: \$15.00

Applicant: Apex Environmental, LLC
Address: 11 County Road 78 - P.O. Box 157
Amsterdam, OH 43903

Facility: Apex Sanitary Landfill

Location: The facility is located east of Jefferson County Road 78 and Harrison County Road 51 and approximately one-mile north of State Route 646, and is within both Springfield Township, Jefferson County and German Township, Harrison County.

Permit: Vertical and Lateral Expansion and Authorized Maximum Daily Waste Receipt Increase, Municipal Solid Waste Landfill

Issuance Date:

Effective Date:

The above-named entity is hereby issued a permit to install (permit) for the above-described source pursuant to Ohio Administrative Code (OAC) Rule 3745-27-02 and OAC Chapter 3745-42. Issuance of this permit 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 is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Ohio Environmental Protection Agency

Craig Butler, Director

PERMIT SUMMARY

This permit (PTI Number 06-08448) authorizes the vertical and lateral expansion of the approved limits of waste placement and increases the authorized maximum daily waste receipt (AMDWR) from 7,500 tons to 10,000 tons at the existing Apex Sanitary Landfill (Facility) in Jefferson and Harrison Counties, Ohio. Apex Environmental, LLC (Apex) is the owner, operator, and applicant.

The vertical and lateral expansion will create an additional 61,093,000 cubic yards of approved disposal capacity, which increases the total disposal capacity to 83,616,618 cubic yards. The total acreage within the limits of waste placement will increase by 171 acres, which increases the total footprint to 288.5 acres. The vertical and lateral expansion will extend the landfill's life by an estimated 16.0 years at the AMDWR of 10,000 tons, which increases the total remaining life to 17.9 years.

The Facility will incorporate into its construction such features as a composite liner system (recompacted clay, a geosynthetic clay liner, and a geomembrane liner), leachate collection and management system, a surface water management system, ground water monitoring system, an explosive gas monitoring system, an explosive gas extraction system, and a final closure cap system. The permit also incorporates 30 years of post-closure care and financial assurance for closure and post-closure care.

This permit grants Apex two exemptions, from Ohio Administrative Code (OAC) Rule 3745-27-07(H)(2)(b), which requires that the sanitary landfill facility not be located in a limestone or sandstone quarry, and OAC Rule 3745-27-07(H)(4)(d), which requires that the limits of solid waste placement of the sanitary landfill not be located within two hundred (200) feet of areas determined by Ohio EPA or the United States Army Corps of Engineers (USACE) to be a stream, lake, or wetland. Apex also requested a variance from OAC Rule 3745-27-07(H)(3)(c), which requires that a sanitary landfill be at least one thousand (1,000) feet from a water supply well.

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

PERMIT CONDITIONS

1. The Director of the Ohio Environmental Protection Agency (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 Facility shall be constructed in strict accordance with the plans, specifications, and information submitted to the Ohio Environmental Protection Agency (Ohio EPA) which constitute this permit. There shall be no deviation from the approved permit or permit conditions 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 Facility will operate in compliance with all Ohio laws and regulations. Additional landfill components shall be installed upon orders of Ohio EPA if the Facility is inadequate or cannot meet applicable standards.
3. Issuance of this permit does not relieve the permittee of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
4. This permit shall apply only to the facilities shown on the plans, specifications, and information submitted as part of PTI Application Number 06-08448 received on October 28, 2011, with subsequent revisions received through May 23, 2016.
5. This permit 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.
6. The permittee shall provide for the proper maintenance and operation of the Facility in accordance with the provisions of OAC Chapter 3745-27.
7. Nothing in this permit shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This permit shall not be interpreted to release the permittee 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.
8. This permit does not authorize the acceptance of any hazardous or infectious wastes, except for those excluded from hazardous or infectious waste regulation by ORC Chapter 3734.
9. This permit 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. Not later than seven (7) days prior to starting any construction authorized under this permit, the permittee shall submit to Ohio EPA, Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO) and Jefferson County General Health District (JCGHD) written notification of the anticipated construction start date so that construction of the Facility can be routinely inspected by Ohio EPA, DMWM, SEDO and JCGHD.
11. The permittee shall perform the following activities during construction of the Facility in accordance with the cited provisions of OAC Chapter 3745-27 as follows:
 - a. The pre-construction tests required by OAC Rule 3745-27-08(D) shall be performed and the test results submitted to Ohio EPA, DMWM, SEDO not later than seven (7) days prior to the intended use of the materials in construction.
 - b. The pre-construction interface tests required by OAC Rule 3745-27-08(G) shall be performed and the test results submitted to Ohio EPA, DMWM, SEDO not later than seven (7) days prior to the use of each geosynthetic material authorized by this permit.
 - c. The construction certification report required by OAC Rule 3745-27-08(H) shall be submitted to Ohio EPA, DMWM, SEDO and JCGHD not later than forty-five (45) days prior to the anticipated date of waste receipt in any newly constructed areas. Pursuant to OAC Rule 3745-27-19(C)(1), the permittee shall not accept waste in a phase until Ohio EPA, DMWM, SEDO provides written concurrence of the construction certification report for that phase.
12. The permittee shall provide for the following inspections and facility maintenance:
 - a. The permittee shall provide for daily inspection of the Facility and completion of the Municipal Solid Waste Landfill Daily Log of Operations, Form 3. Written results of the inspections, including any corrective actions taken, shall be made available to Ohio EPA, DMWM, SEDO or JCGHD upon request.
 - b. The permittee shall provide for weekly inspection of surface water control structures, including sedimentation ponds, sedimentation pond discharge structures, constructed wetlands, ditches, and culverts and completion of the Municipal Solid Waste Landfill Daily Log of Operations, Form 4. Prompt corrective actions shall be taken if necessary. Written results of the inspections, including any corrective actions taken, shall be made available to Ohio EPA, DMWM, SEDO or JCGHD upon request.

- c. To ensure proper operation of the sedimentation pond(s), the pond(s) shall be evaluated annually and cleaned out as necessary when the volume of the settled particles necessitates cleaning based on inspection results or to maintain the storage volume required by OAC Rule 3745-27-08(D)(3).
13. The Facility's authorized maximum daily waste receipt (AMDWR) is established to be ten thousand (10,000) tons. The permittee shall not accept more than 10,000 tons of solid waste for disposal at the Facility on any calendar day. This limit supersedes any previously established AMDWR for the Facility.
14. The permittee shall execute and fund a financial assurance instrument or increase the amount listed on the existing financial instrument in accordance with OAC Rules 3745-27-15, 3745-27-16, and 3745-27-17 for the current cost estimates of the Facility, including the costs for the newly authorized disposal area. Funding shall be completed prior to waste acceptance in any disposal area newly authorized by this permit to install.
15. The permittee shall comply with the requirements of all previously-issued authorizing documents for the Facility, except, to the extent that this permit specifies requirements different from, or in addition to, the requirements of those previously-issued authorizing documents, the permittee shall comply with this permit. This permit, and the conditions herein, shall take precedence over any conflicting requirements.
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.

END OF PERMIT CONDITIONS

EXEMPTIONS

Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, including scrap tires, from any requirement of ORC Chapter 3734 or any rules adopted thereunder if granting the exemption is unlikely to adversely affect the public health or safety or the environment.

**Exemption from OAC Rule 3745-27-07(H)(2)(b)
Limestone or Sandstone Quarry**

OAC Rule 3745-27-07(H)(2)(b) requires that the sanitary landfill facility is not located in a limestone quarry or sandstone quarry. The Facility is located in a historic coal strip mine. After removal of the coal, there exist shallow seams of limestone material in limited areas within the Facility boundary. As these areas have been and are encountered, and depending on the quality of the material, the limestone has been recovered for both use at the Facility and for limited commercial sale. Therefore, Apex maintains a permit from ODNR for the mining activities. The site is not a limestone quarrying operation that results in a large depression with highwalls, a high water table, and an accumulation of surface water in the excavated pit. At the Facility, the limestone seam, when present, exists immediately below the previously mined coal seam. Where the limestone is excavated as part of landfill construction, any mine spoil is removed, the limestone excavated, and the rock below the limestone removed to achieve the design base grades for the landfill. There are no deep depressions to accumulate ground water or highwalls to create a path for leachate migration or stability concerns. Additionally, the landfill is designed to provide the required 15 feet of isolation distance between the base of the recompacted soil liner and the top of the uppermost aquifer system.

The limestone mining which has taken place at the Facility to date, and the limestone mining that is planned, will not compromise the suitability of the site for operating a sanitary landfill facility and maintaining a ground water monitoring network or the stability of the landfill.

Ohio EPA has reviewed the exemption request and, for the reasons noted herein, has determined that granting the requested exemption from the requirement that the sanitary landfill facility not be located in a limestone quarry or sandstone quarry is unlikely to adversely affect the public health or safety or the environment. Therefore, Apex is hereby granted an exemption, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), from the requirement of OAC Rule 3745-27-07(H)(2)(b) that the Facility not be located in a limestone quarry or sandstone quarry. This exemption shall apply only to the activities proposed in PTI Application Number 06-08448. This exemption shall remain in effect throughout the effective period of this permit unless otherwise revoked.

**Exemption from OAC Rule 3745-27-07(H)(4)(d)
200 Feet from Surface Waters**

OAC Rule 3745-27-07(H)(4)(d) requires that the limits of solid waste placement of the sanitary landfill facility are not located within two hundred feet (200) of areas determined by Ohio EPA or the United States Army Corps of Engineers (USACE) to be a stream, lake, or wetland. The proposed Facility expansion includes wetlands, streams, and ponds

within the proposed disturbance area. Apex has identified 11 wetland areas, varying from 0.01 to 5.89 acres, encompassing about 14 total acres, 11 streams with 4300 linear feet of stream length, and 11 open water mine pits amounting to about 4.5 acres.

A Jurisdictional Waters Delineation Report was submitted to USACE and was approved by letter dated September 21, 2012. A Section 401 Water Quality Certification and a Level Three Isolated Wetland Permit were issued by Ohio EPA on September 6, 2016. A Section 404 Permit remains pending with USACE.

Ohio EPA has reviewed the exemption request and has determined that, because Apex has obtained the Section 401 Water Quality Certification and the Level Three Isolated Wetland Permit and is prohibited from commencing any activities for which a Section 404 Permit is required until such time as the Section 404 Permit is obtained, granting the requested exemption from the requirement that the limits of solid waste placement of the sanitary landfill are not located within two hundred feet (200) of a stream, lake, or wetland is unlikely to adversely affect the public health or safety or the environment. Therefore, Apex is hereby granted an exemption, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), from the requirement of OAC Rule 3745-27-07(H)(4)(d) that the limits of solid waste placement at the Facility not be located within two hundred feet (200) of a stream, lake, or wetland. Apex shall not commence any activities at the Facility for which a Section 404 Permit is required unless Apex has first obtained the required Section 404 Permit. This exemption shall apply only to the activities proposed in PTI Application Number 06-08448. This exemption shall remain in effect throughout the effective period of this permit unless otherwise revoked.

END OF EXEMPTIONS

VARIANCE

Pursuant to ORC Section 3734.02(A) and OAC Rule 3745-27-03(C), the director may grant a variance if the applicant demonstrates to the director's satisfaction that construction, operation, closure activities, and/or post-closure activities of the solid waste facility in the manner approved by the variance and any terms and conditions imposed as part of the variance will not create a nuisance or a hazard to public health or safety or the environment and is unlikely to result in a violation of any other requirements of ORC Chapters 3704, 3714, 3734, and 6111 and any rules adopted thereunder.

Variance from OAC Rule 3745-27-07(H)(3)(c) 1000 Feet from Water Supply Well

OAC Rule 3745-27-07(H)(3)(c) requires that the limits of solid waste placement of the sanitary landfill facility are not located within one thousand feet (1,000) of a water supply

well unless the water supply well meets specific provisions of the siting criterion. A water supply well, controlled by Apex and adjacent to the main office, is used to provide water to the office sinks and toilets. It is not used as a source of drinking water. The well is located within one thousand feet (1,000) of the limits of solid waste placement proposed in the PTI Application Number 06-08448. However, the well will not be within one thousand feet (1,000) of disposed waste until Phase 10 of the expansion. Apex proposes to continue using the water supply well until the actual disposed waste is nearing the one-thousand-foot (1,000) setback from the well. Prior to waste encroaching within one thousand feet (1,000) of the well, Apex proposes to abandon the well.

Ohio EPA has reviewed the variance request and, for the reasons noted herein, has determined that granting the requested variance from the requirement that the limits of solid waste placement of the Facility are not located within one thousand feet (1,000) of a water supply well will not create a nuisance or a hazard to public health or safety or the environment and is unlikely to result in a violation of any other requirements of ORC Chapters 3704, 3714, 3734, and 6111 and any rules adopted thereunder. Therefore, Apex is hereby granted a variance, pursuant to ORC Section 3734.02(A) and OAC Rule 3745-27-03(C), from the requirement of OAC Rule 3745-27-07(H)(3)(c) that the limits of solid waste placement at the Facility not be located within one thousand feet (1,000) of a water supply well. Prior to waste disposal at the Facility encroaching within one thousand feet (1,000) of the water supply well, Apex shall properly abandon and seal the water supply well in accordance with OAC Rule 3745-9-10, ORC Section 1521.05(C), and any applicable Ohio EPA or board of health water system law. This variance shall apply only to the activities proposed in PTI Application Number 06-08448. This variance shall remain in effect throughout the effective period of this permit unless otherwise revoked.

END OF VARIANCE