



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

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OHIO EPA  
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LEGAL OFFICE

January 13, 2017

Re: Apex Sanitary LDF  
Director's Authorization  
Approval  
Municipal Solid Waste Landfills  
Jefferson County  
MSWL018772

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

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

Dear Mr. Tatarek:

On November 16, 2016, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO) received a request, dated November 15, 2016, 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 and Environmental Consultants, Inc., on behalf of Apex Environmental, LLC (Owner), and requested to update the background data group representing the background water quality at monitoring wells B-405 for chloride, B-406 for arsenic, B-406S for sodium, B-408 for potassium, B-408SS for chloride, B-414 for zinc, B-401S for potassium, and B-413R for chloride at Apex Sanitary Landfill (Facility) located at 11 County Road 78, Amsterdam, 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.

The Owner has proposed using the following statistically significant data as part of the Facility's background data:

| Monitoring Well | Constituent | Data      | Sampling Date |
|-----------------|-------------|-----------|---------------|
| B-405           | Chloride    | 8.0 mg/L  | 5/21/2015     |
| B-406           | Arsenic     | 5.1 ug/L  | 5/17/2016     |
| B-406S          | Sodium      | 23.4 mg/L | 12/15/2015    |

|         |           |            |            |
|---------|-----------|------------|------------|
| B-408   | Potassium | 3.5 mg/L   | 5/20/2014  |
| B-408SS | Chloride  | 7.0 mg/L   | 5/18/2016  |
| B-414   | Zinc      | 0.011 mg/L | 5/10/2011  |
| B-414   | Zinc      | 0.011 mg/L | 5/18/2016  |
| B-401S  | Potassium | 12.5 mg/L  | 5/21/2015  |
| B-401S  | Potassium | 10.4 mg/L  | 6/25/2015  |
| B-401S  | Potassium | 11.4 mg/L  | 12/15/2015 |
| B-401S  | Potassium | 12.4 mg/L  | 1/26/2016  |
| B-413R  | Chloride  | 31.0 mg/L  | 5/20/2015  |
| B-413R  | Chloride  | 40.0 mg/L  | 6/24/2015  |
| B-413R  | Chloride  | 28.55 mg/L | 9/18/2015  |
| B-413R  | Chloride  | 30.0 mg/L  | 12/16/2015 |

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.

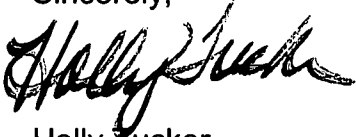
You are hereby notified that this action of the Director of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds 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  
77 South High St., 17<sup>th</sup> Floor  
Columbus, Ohio 43215

Apex Sanitary Landfill  
OAC Rule 3745-27-10(C)(7)(g)  
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If you have any questions concerning this letter, please contact Sara Anderson, Ohio EPA, SEDO at (740)380-5219.

Sincerely,



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

HT/SA/mr

ec: Joe Tatarek, Apex Sanitary Landfill  
Roy Stanley, Civil and Environmental Consultants, Inc.  
Carla Gampolo, Jefferson County General Health District  
Steve Williams, DDAGW, SEDO  
Joe Laughery, DDAGW, SEDO  
Rich Fox, DMWM, SEDO  
Sara Anderson, DMWM, SEDO  
Scott Hester, DMWM, CO