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Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

CERTIFIED

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

November 27, 2012

Dave Mathews
Apex Environmental, LLC
P.O. Box 157
Amsterdam, OH 43903

 Date: 11.27.2012

**Re: Apex Sanitary Landfill, Jefferson County
Authorization to Construct and Operate a Solidification Basin**

Dear Mr. Mathews:

On June 15, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO), received a request titled *Authorization Request to Operate a Solidification Basin, Apex Sanitary Landfill, Jefferson County, Ohio*. Civil & Environmental Consultants, Inc., on behalf of Apex Environmental, LLC (Apex), prepared the submission. Apex has requested to receive non-hazardous bulk liquids, process the wastes through a proposed solidification basin, and then dispose of the created solid wastes at the Apex Sanitary Landfill. The non-hazardous liquid wastes are to be mixed with a proprietary admixture or select absorbent solid wastes (solidification agents) until the resultant mixture passes the paint-filter test and meets the definition of a solid waste. Apex has also requested to divert accepted select solid wastes and not immediately deposit them at the working face, as required by rule, so that they may be staged within an enclosed freestanding structure for use in the solidification basin. Revisions to this request were received on July 5, 2012.

Ohio EPA has completed a review of the request in accordance with Ohio Administrative Code (OAC) Rules 3745-27-19(E)(7)(e), (E)(8)(b), and (E)(8)(i), which state, in part, that:

OAC Rule 3745-27-19(E)(7)(e): "...the owner or operator shall ensure that all waste admitted to the sanitary landfill facility is deposited at the working face, spread in layers not more than two feet thick, and compacted to the smallest practical volume. An alternate method may be used if approved in writing by the director. . ."

OAC Rule 3745-27-19(E)(8)(b): "The owner or operator shall not accept for disposal or dispose of . . . Containerized bulk liquids or non-containerized liquids without authorization from the director."

OAC Rule 3745-27-19(E)(8)(i): *"The owner or operator shall not accept for disposal or dispose of . . . Semi-solid material containing free liquids . . . unless the owner or operator has obtained prior written authorization from Ohio EPA to dispose of that semi-solid material in the facility."*

Based upon a review of the request submitted June 15, 2012 and the revised request received July 5, 2012, I have determined, pursuant to OAC Rules 3745-27-19(E)(7)(e), 3745-27-19(E)(8)(b), and 3745-27-19(E)(8)(i), that the proposed solidification basin, if constructed and operated in accordance with the request and the following conditions, will not result in a violation of applicable laws or regulations and is unlikely to adversely affect the public safety or health or the environment. Therefore, Apex is hereby authorized to construct and operate a solidification basin in accordance with the submitted plans, specifications, and information subject to the following conditions.

CONDITIONS

1. Apex shall ensure that all applicable authorizations are obtained.
2. Apex shall ensure that state solid waste fees are paid on the combined weight of the bulk liquid and solidification agent.
3. Apex shall ensure that liquid waste is received solely from pre-screened customers.
4. Apex shall maintain current OAC Rule 3745-52-11 documentation available for inspection by Ohio EPA. This information shall be updated, at a minimum, on a yearly basis.
5. Apex shall ensure that materials used as solidification agents are non-hazardous waste, compatible with the liquid waste, and can result in a mixture that meets the definition of "solid waste."
6. Apex shall ensure that the solidification basin area and solidification agent staging areas are bermed to control run-off and run-on.
7. Apex shall ensure that liquid which comes in contact with staged solidification agent is properly contained and managed as leachate.
8. Apex shall ensure that bulk liquids are not stored in the solidification basin. Bulk liquids shall be mixed, removed, and disposed in the landfill the same business day.
9. Apex shall ensure that storage of solidification agents occurs near the solidification basin, that the staging is in compliance with all applicable rules and regulations, and that storage and staging do not create a nuisance.
10. Apex shall ensure that the mixing basin is moved, or removed from the landfill all together, if the unit interferes with the landfill operation or phasing.
11. Apex shall ensure that each load removed from the basin after mixing meets the definition of "solid waste" as specified in OAC Rule 3745-27-01(S)(23). At a minimum, Apex must visually inspect every mixed load. Any loads which release liquid must be re-mixed with additional solidification agent or be tested in accordance with method 9095 (paint filter liquids test) in SW-846.

12. Apex shall maintain a separate daily log, in addition to the standard daily log of operations required by OAC Rule 3745-27-19(E)(10), that lists the following information: date, the generator of liquid waste and solidification agent (if the agent meets the definition of a "solid waste"), description of the liquid wastes and solidification agents received, quantity of both the liquid waste and solidification agent used for each mix, and documentation to ensure compliance with conditions 14 and 15 of this authorization.
13. Apex shall not accept for disposal hazardous waste as defined in section 3734.01 of the Revised Code.
14. Apex shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material (TENORM), as defined in OAC Rule 3701:1-43-01, associated with drilling operations without first obtaining representative analytical results to determine concentrations of radium-226 and radium-228 present in the material.
15. Apex shall not accept for disposal any TENORM material if that material contains or is contaminated with radium-226 or radium-228, or any combination of radium-226 and radium-228, at concentrations greater than or equal to 5 picocuries per gram above natural background. For the purpose of this authorization, natural background means 2 picocuries per gram.
16. Apex shall not accept for disposal brine as defined in section 1509.01 of the Revised Code.
17. Apex shall not accept for disposal any bulk liquid wastes that increase the potential for a landfill fire.
18. Apex shall comply with this authorization, including the details outlined in the request to construct and operate a solidification basin, as revised and received on July 5, 2012, unless changes are otherwise authorized in writing by Ohio EPA.

Nothing in this authorization shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations.

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," which the Commission, in its discretion, may reduce 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 Street, 17th Floor
Columbus, OH 43215

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If you have any questions concerning this authorization, please contact Craig Walkenspaw of Ohio EPA, SEDO at (740) 380-5440.

Sincerely,



Scott J. Nally
Director

SN/CW/sb

cc: Rich Fox, DMWM-SEDO
Scott Hester, DMWM-CO
Jefferson County General Health District