



State of Ohio Environmental Protection Agency

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May 26, 2009

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

Attn.: Mr. Richard Barr

**RE: Apex Sanitary Landfill, Jefferson County
Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c) Approval**

Dear Mr. Barr:

On February 19, 2009, the Southeast District Office (SEDO) of the Ohio Environmental Protection Agency (Ohio EPA), received the Alternate Source Demonstration for UAS Monitoring Wells B-407 & B-408 for the Apex Sanitary Landfill.

In accordance with Ohio Administrative Code (OAC) Rule 3745-27-10(D)(7)(c)(ii), Apex Sanitary Landfill submitted to the director an Alternate Source Demonstration (ASD). The ASD stated that the source of the statistically significant increases for sodium at B-407 and potassium at B-408 were false positives. The ASD concludes that these increases were not waste-derived, but instead related to the natural variability in local ground water chemistry.

The ASD was reviewed by the Division of Drinking and Ground Waters (DDAGW) and the Division of Solid and Infectious Waste Management (DSIWM). Upon review, the data submitted adequately supports Apex Sanitary Landfill's conclusion for the ASD for monitoring wells B-407 and B-408.

Based on the data within the February 19, 2009, ASD, Ohio EPA accepts Apex's conclusions that the statistical triggers for sodium at B-407 and potassium at B-408 were false positives. That is, Ohio EPA does not believe the statistical triggering was a sign of waste-derived releases from the landfill; rather, the data appears to reflect natural variation in ground water quality within the local aquifer.

Therefore, Ohio EPA approves continuation of the detection monitoring program in accordance with OAC Rule 3745-27-10(D)(7)(c) for the parameters and wells specified above.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

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Should future ground water sampling results indicate statistically significant increases in ground water monitoring parameters at any of the detection monitoring wells, you must either enter into assessment monitoring in accordance with OAC 3745-27-10(E) or obtain an approval to continue in the detection monitoring program.

You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Section 3745.04 of the Ohio Revised Code. 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 which the Commission, in its discretion, may reduce if by affidavit you demonstrate 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
309 South Fourth Street, Room 222
Columbus, Ohio 43215

If you have any questions, please feel free to contact Pete Thompson in the Division of Solid and Infectious Waste Management at (740) 380-5219.

Sincerely,

Craig Butler, Chief
Southeast District Office
for Chris Korleski, Director

CB/jg

cc: Jefferson County Health Department
Scott Hester, DSIWM, CO
SEDO-DSIWM
SEDO-DDAGW