



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

October 14, 2011

Re: Jefferson County
Apex Sanitary Landfill &
Apex Limestone Plant
01N00198 & 01I00022
Compliance Evaluation Insp.
Correspondence (IWW)

Mr. Dave Mathews, General Manager
Apex Environmental, LLC
11 County Road 78
P.O. Box 157
Amsterdam, Ohio 43903

Dear Mr. Mathews:

On October 4, 2011, Ohio EPA conducted a Compliance Evaluation Inspection at the Apex facility in Jefferson County. The purpose of the inspection was to determine compliance with terms and conditions of National Pollutant Discharge Elimination System (NPDES) permit numbers 01N00198*ED (Sanitary Landfill) and 01I00022*CD (Limestone plant).

01N00198*ED (Sanitary Landfill):

Outfall 001 (North) and Outfall 002 (West) were not discharging during the inspection. Outfall 002 has not discharged to date. Outfall 001 has discharged and there was a considerable amount of floatable debris (i.e. Styrofoam, etc.) near the exit pipe of the North Pond.

The Rail facility was significantly muddy; positive drainage should be provided with ditches conveying flow to a sedimentation basin.

During the inspection, the facility indicated they had dewatered the new construction cell "5B" on the dry weather of September 28, 2011. The water was directed to a ditch that did not flow to a sedimentation pond, thus was a bypass of treatment. **The bypass was an unauthorized discharge and a violation of the permit** (see Part III General Conditions 11. UNAUTHORIZED DISCHARGES).

11. **UNAUTHORIZED DISCHARGES**

- A. *Bypassing or diverting of wastewater from the treatment works is prohibited unless:*
1. *Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;*
 2. *There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and*
 3. *The permittee submitted notices as required under paragraph D. of this section,*

- B. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- C. The Director may approve an unanticipated bypass after considering its adverse effects, if the Director determines that it has met the three conditions listed in paragraph 11.A. of this section.
- D. The permittee shall submit notice of an unanticipated bypass as required in section 12. A.
- E. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if that bypass is for essential maintenance to assure efficient operation.

The dewatering event coincided with multiple complaints received regarding a turbid condition in Goose Creek.

The following list summarizes violations which have been reported for permit 01N00198 (Sanitary Landfill) since April 1, 2010:

Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
001	00530	Total Suspended Solids	1D Conc	70	84.	6/5/2010
001	00530	Total Suspended Solids	30D Conc	35	103.5	4/1/2011
001	00530	Total Suspended Solids	1D Conc	70	176.	4/16/2011

Discharges have only been reported for June 2010 and April 2011

01I00022*CD (Limestone plant):

Outfall 003 had no discharge during the inspection. Outfall 003 has had recent total suspended solid violations from February through April 2011. Outfall 010 has no reported history of discharge since construction. Outfall 004 was not viewed during the inspection due to rail traffic, but was reported as flowing clear earlier in the day.

The following list summarizes violations which have been reported for permit 01I00022 (Limestone Plant/IM) since April 1, 2010:

Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
003	00530	Total Suspended Solids	30D Conc	35	124.	6/1/2010
004	00400	pH	1D Conc	6.5	6.	6/4/2010
003	00530	Total Suspended Solids	1D Conc	70	124.	6/5/2010
003	00530	Total Suspended Solids	30D Conc	35	220.	2/1/2011
003	00530	Total Suspended Solids	1D Conc	70	134.	2/25/2011
003	00530	Total Suspended Solids	1D Conc	70	306.	2/28/2011
003	00530	Total Suspended Solids	30D Conc	35	45.	3/1/2011
003	00530	Total Suspended Solids	30D Conc	35	92.	4/1/2011
003	00530	Total Suspended Solids	1D Conc	70	210.	4/16/2011

Non-compliance notification identified the following steps to be taken to address exceedance. Corrective action includes inspection of ground conditions within the drainage area of Pond 003 and implementing additional sedimentation/erosion control measures as inspection dictates. Evaluate.

Please provide a written response within 30 days of receipt which includes future dewatering plan for cell construction and positive drainage improvements at the rail spur.

If you have any questions, please feel free to contact me at (740) 380-5272.

Sincerely,



Aaron Pennington
District Representative
Division of Surface Water

AP/dh

Enclosures

NPDES Compliance Inspection Report

A. NATIONAL DATA SYSTEM CODING

Permit No.	NPDES No.	Date	Inspection Type	Inspector	Facility Type
01N00198*ED	OH0115100	October 4, 2011	C	S	2

B. FACILITY DATA

Name & Location of Facility Inspected	Entry Time	Permit Effective Date
Apex Environmental LLC Sanitary Landfill 11 County Road 78 Amsterdam, Ohio 43903	1:30 p.m.	August 1, 2008
	Exit Time	Permit Expiration Date
	3:00 p.m.	July 31, 2013

Name(s) & Title(s) of On-Site Representative(s)	Phone Number(s)
Dave Mathews, General Manager	(740) 543-4389
Name, Address, & Title of Responsible Official	Phone Number
Dave Mathews, General Manager P.O. Box 157 Amsterdam, Ohio 43903	(740) 543-4389

C. AREAS EVALUATED DURING INSPECTION

<u> S </u> Permit	<u> S </u> Flow Measurement	<u> S </u> Pretreatment
<u> S </u> Records/Reports	<u> S </u> Laboratory	<u> N/A </u> Compliance Schedules
<u> M </u> Operations & Maintenance	<u> N/A </u> Effluent/Receiving Waters	<u> M </u> Self-Monitoring Program
<u> M </u> Facility Site Review	<u> </u> Sludge Storage/Disposal	<u> </u> Other
<u> </u> Collection System		

(S = Satisfactory; M = Marginal; U = Unsatisfactory; N = Not Evaluated; N/A = Not Applicable)

D. SUMMARY OF FINDINGS/COMMENTS (attach additional sheets if necessary)

Outfalls 001 (North) and Outfall 002 (West) were not discharging during the inspection. Outfall 002 has not discharged to date. Outfall 001 has discharged and there was considerable amount of floatable debris (i.e. Styrofoam, etc.) near the exit pipe of the North Pond. The Rail facility was significantly muddy; positive drainage should be provided with ditches conveying flow to a sedimentation basin. During the inspection, the facility indicated they had dewatered the new construction cell on the dry weather of September 28, 2011. The water was directed to a ditch that did not flow to a sedimentation pond, thus was a bypass of treatment. The dewatering event coincided with a turbid condition of Goose Creek.


Aaron M. Pennington, Inspector, Ohio EPA, Southeast District Office

11-19-11
Date


Jennifer M. Witte, Reviewer, Ohio EPA, Southeast District Office

10/17/11
Date