



State of Ohio Environmental Protection Agency

Southeast District Office

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

July 17, 2008

RE: **JEFFERSON COUNTY
FAC-APEX SANITARY LANDFILL ,
COM**

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

Dear Mr. Barr:

On June 17, 2008, I conducted an inspection of the Apex Sanitary Landfill. This inspection was conducted to investigate two loads of drummed waste accepted at Apex Landfill on June 11, 2008. I was accompanied by Marc Maragos, Carla Gampolo, and Erika Battistel of the Jefferson County Health Department during this inspection.

The acceptance of drummed waste on June 11 was observed by Craig Walkenspaw of the Ohio EPA Southeast district Office. Scale records from June 11 indicate that loads of drummed waste from Rapid Waste Disposal was accepted by Apex at 4:18 a.m. and 9:31 a.m. Mr. Walkenspaw observed the disposal of the load accepted at 9:31 a.m. Mr. Walkenspaw's observation indicates that a large portion of the drums contained bulk liquids. He noted that many of the drums burst upon impact as they were unloaded and that liquid sprayed into the air upon impact.

Manifests that accompanied both loads of the drummed waste on June 11 indicate the presence of containerized liquids. In addition, I conducted interviews of Apex employees on June 18 and June 23. Employees directly involved with the receipt and disposal of these loads acknowledged the presence of liquid waste.

Although the investigation of the acceptance of unauthorized waste by Apex is ongoing, I have determined that Apex Landfill is in violation of the following rules for the incident on June 11, 2008:

OAC Rule 3745-27-19(B)(2) - The owner or operator shall conduct all construction and operation at a sanitary landfill facility in strict compliance with the applicable authorizing document, including the permit to install (PTI).

Apex Sanitary Landfill failed to follow the steps outlined in the approved PCB Hazardous Waste Prevention and Detection Program outlined in the approved PTI. Section 1 (b) of the approved program identifies liquid waste as one of the prohibited waste streams that the program is intended to identify.

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OAC Rule 3745-27-19 (E)(5) - Personnel. The owner or operator shall ensure that any individual meeting the definition of operator specified in rule 3745-27-01 of the Administrative Code shall be thoroughly familiar with the proper operational procedures, license, permits, and other authorizations pertaining to the facility.

Based on interviews of Apex employees, it is apparent that the employees directly involved with the receipt and disposal of the drummed waste loads on June 11 were not properly trained to screen for and properly respond to prohibited materials.

OAC Rule 3745-27-19(E)(8) - Disposal restrictions. The owner or operator shall not accept for disposal or dispose of any of the following materials at a sanitary landfill facility:

- (b) Containerized bulk liquids or non-containerized liquids without authorization from the director.

Manifests that accompanied the waste from Rapid Waste clearly indicate the presence of containerized liquids. In addition, Craig Walkenspaw of the Ohio EPA Southeast District Office observed the acceptance and disposal of liquid wastes on June 11.

As you know, this investigation is ongoing. Ohio EPA and the Jefferson County Health Department are conducting an extensive review of Apex's waste acceptance records. We appreciate your continued cooperation with this investigation. Please respond to this letter within fifteen (15) days detailing the actions taken to abate the above noted violations. Please contact me at 740/380-5219 if you have any questions regarding this inspection.

Sincerely,



Peter C. Thompson
Division of Solid & Infectious Waste Management

PCT/jg

cc: Marc Maragos, JCHD