



State of Ohio Environmental Protection Agency

**Southeast District Office**

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

February 1, 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:

I am writing as a follow-up to my November 27, 2007, visit to Apex Sanitary Landfill and Ohio EPA's review of the landfill survey data provided on December 12, 2007. On November 27, I was accompanied by Craig Butler, Steve Rine, and Rich Fox of the Ohio EPA Southeast District Office during this visit. In addition, Marc Maragos and Carla Gampolo from the Jefferson County Health Department were present.

During this visit, there was an area of the eastern facing slope of Phase 2 that was not adequately covered with intermediate cover as required by Ohio Administrative Code (OAC) Rule. Landfill operations had moved into Phase 3 more than 30 days prior to this visit, and intermediate cover had not been placed in this area in violation of OAC Rule 3745-27-19(G):

(G)(1) To minimize infiltration, the owner or operator shall apply intermediate cover to all filled areas of a sanitary landfill facility where additional waste is not to be deposited for at least thirty days. The director may approve the use of some alternate time period, if the owner or operator can demonstrate to the satisfaction of the director that, by use of the alternate time period, infiltration will not be increased.

In addition to the above referenced violation, email correspondence from Craig Walkenspaw of the Ohio EPA Southeast District Office to Dan Smallwood dated January 23, 2008, discusses under-fill and over-fill issues in Phase 1B. Please refer to the attached map. Based on Mr. Walkenspaw's assessment of site conditions in Phase 2 and survey data provided on December 12, Apex Sanitary Landfill is in violation of OAC Rule 3745-27 for failing to following specifications of the approved permit. Specifically:

**OAC Rule 3745-27-19(B) - Compliance**

- (1) The owner or operator shall conduct all operations at a sanitary landfill facility in strict compliance with the terms and conditions of the solid waste disposal license issued for the facility in accordance with Chapter 3745-37 of the Administrative Code.

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- (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 permit to install, a plan approval, an operational report, an approved closure plan, an alteration concurred with in writing by Ohio EPA, or any authorizing document listed in paragraph (l) of rule 3745-27-09 of the Administrative Code.

Please respond within 15 days detailing actions taken to return to compliance with the above cited OAC Rules. Feel free 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

Attachment

cc: Marc Maragos, JCHD

