



State of Ohio Environmental Protection Agency

Southeast District Office

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

July 3, 2007

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

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

Dear Mr. Loveland:

On May 17 and May 24, 2007, I conducted inspections at Apex Sanitary Landfill. I was accompanied by Craig Walkenspaw of the Ohio EPA Southeast District Office on May 17. I was accompanied by Craig Walkenspaw and Steve Lowry, also of the Ohio EPA Southeast District Office during my May 24 inspection.

During these inspections, I observed that the working face was an appropriate size. Soil was being delivered to the working face, and daily cover was being applied both days. Containers of scrap tires and demolition waste that contains asbestos waste were also inspected near the rock crusher located between the active landfill and the office.

During my May 17 inspection, I also reviewed Apex disposal records for the period of May 9 through May 17, 2007. Of the records reviewed for this period (demolition waste received from Emjay Environmental Recycling, Hudson Logistic Inc, Burkes Transfer, Regal Recycling, and Hainesport Industrial Railroad), a total of 179 loads were logged as MSW and 44 were logged as C&DD (19.7% of the total was logged as C&DD).

During my May 17 and May 24 inspections I observed the following violations associated with scrap tires and asbestos waste stored onsite and the intermediate cover on final Phase 1 slopes:

OAC Rule 3745-27-61(A)(1) Except as specified in paragraphs (a)(2) and (a)(3) of this rule, this rule is applicable to Scrap Tire Collection, Class II Storage, and Class II Scrap Tire Recovery facilities, as defined in rule 3745-27-01 of the Administrative Code, as follows:

- (a) An application for a registration certificate for a new facility along with a non-refundable application fee of fifteen dollars shall be submitted to the director through the appropriate district office of Ohio EPA's division of solid and infectious waste management, based on where the facility is to be located, at least ninety days prior to the date on which the applicant proposes to accept scrap tires at the facility.

ORC 3734.05(A)(1)- Except as provided in divisions (A)(4), (8), and (9) of this section, no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code.

Apex Sanitary landfill has engaged in Class II scrap tire storage as described above without first obtaining a registration and license. Containers of scrap tires received via railroad have been stored at the facility without the necessary registration and license. Apex has advised Ohio EPA that tires brought to the facility via rail have been stored onsite for over 12 months.

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:

- (a) Asbestos or asbestos-containing waste material that is subject to the provisions of NESHAP, 40 CFR Part 61, subpart M, July 1, 2003 without the necessary permits.

Containers of asbestos waste that was observed at the Apex facility during these inspections was accepted for disposal and has been onsite for an unreasonable time. Apex has advised Ohio EPA that this material was brought to the Apex facility DATE.

OAC Rule 3745-27-08(D)(19)- For transitional covers: Within sixty days of a portion of the facility reaching final elevations, transitional cover, as specified in rule 3745-27-19 of the Administrative Code, shall be installed and comply with the following:

- (a) A twenty-four inch thick layer of soil that shall be nonputrescible and have low permeability, good compactability, cohesiveness, and relatively uniform texture, and shall not contain large objects in such quantities as may interfere with its application and intended purpose. The soil shall be a well-compacted loam, silt loam, clay loam, silty clay loam, silty clay or other soil types that can achieve the intended purpose.
- (b) The soil shall be of sufficient thickness and fertility to support vegetation and shall be seeded as soon as practicable. Healthy grasses or other vegetation shall form a complete and dense vegetative cover within one year of soil placement.
- (c) In preparation for construction of the final cap system in accordance with this paragraph, the transitional cover shall be partially or completely removed or otherwise prepared as necessary for construction of the final cap system.

OAC Rule 3745-27-19(H)- Final cover.

Within seven days of reaching the approved final elevations of waste placement in a phase, or an alternate schedule approved by the director, the owner or operator shall begin constructing the final cap system by doing either of the following:

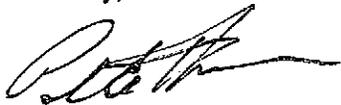
- (1) By constructing a cap system over the entire phase in accordance with rule 3745-27-08 of the Administrative Code as specified in rule 3745-27-11 of the Administrative Code.
- (2) By doing all of the following:
 - (a) Place transitional cover over the entire phase in accordance with rule 3745-27-08 of the Administrative Code.
 - (b) When the unit in which the phase is located has reached approved final elevations of solid waste placement, construct a cap system over the entire unit in accordance with rule 3745-27-08 of the Administrative Code as specified in rule 3745-27-11 of the Administrative code.
 - (c) The owner of operator shall provide written notice to Ohio EPA and the approved health department clearly describing the phase(s) and unit(s), or portions thereof, where transitional cover will be installed in accordance with rule 3745-27-08 of the Administrative Code. The owner of operator shall submit the notification prior to the beginning construction of transitional cover for a particular phase, or portion thereof. A copy of notice shall be placed in the operating record.
 - (d) After completing construction or transitional cover in a particular phase, the owner of operator shall submit a certification report to Ohio EPA and the approved health department in accordance with rule 3745-27-08 of the Administrative Code. The certification report shall be submitted no later than the date for the submittal of the next annual operational report required pursuant to paragraph (M) of this rule. A copy of the certification shall be placed in the operating record.
 - (e) Notwithstanding any prior notification that transitional cover will be installed, the owner or operator may choose to comply with paragraph (H)(1) of this rule. The owner or operator shall provide prior notice to Ohio EPA and the approved health department of any change from a previously submitted notification.

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Final elevations were achieved in Phase 1 during the 2006 calendar year. Installation of transitional or final cover should have begun within seven days of achieving final elevations.

Please respond within 14 days detailing actions taken to abate the above cited violations. Feel free contact me at 740/380-5219 if you have any questions regarding this inspection.

Sincerely,



Peter C. Thompson
Division Solid & Infectious Waste Management

PCT/jg

cc: Marc Maragos, JCHD