



**Environmental  
Protection Agency**

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

February 7, 2012

**RE: JEFFERSON COUNTY  
FAC - APEX SANITARY LANDFILL  
NOV**

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

Attention: Dave Mathews, General Manager

**Subject: Notice of Violation, Failure to Protect Intermediate Cover from Erosion**

Dear Mr. Matthews:

On February 1, 2012, Ohio Environmental Protection Agency's (Ohio EPA's) Craig Walkenspaw and the Jefferson County General Health District's Carla Gampolo conducted a joint but limited inspection of the Apex Sanitary Landfill to follow-up on peer review observations made by Ohio EPA's Brian Queen on January 25, 2012. In particular, extensive erosion of intermediate and transitional covers were observed and subsequently confirmed on the landfill's eastern and southern slopes.

Ohio Administrative Code (OAC) Rule 3745-27-19(G)(4) states the following: "The owner or operator shall perform measures to protect the intermediate cover from erosion."

I have embedded here a photo taken February 1, 2012 that shows exposed and eroded cover soils on the landfill's eastern slope which is typical for the intermediate and final slopes that have been placed or disturbed in the last six months.



In the late fall of 2011 and as a product demonstration, a small portion (some 1/4 -acre) of the eastern slope was sprayed with a hydro-seed/mulch/binder mixture. The coverage of the combined mixture was assessed to be poor and cost prohibitive. Any further application was stopped. Several round bales of hay have been staged at the toe of the eastern slope for months. Reportedly, the slopes' mulching was delayed until after the completion of the installation of the Gas Collection and Control System which has perpetually evolved since the fall of 2011.

Alternately, the mulching of intermediate and transitional covers should occur somewhat progressively with their placement or disturbance and not delayed as a seasonal event.

Due to Apex Environmental, LLC's failure to protect intermediate cover from erosion, Apex Sanitary Landfill is in continuing violation of OAC Rule 3745-27-19(G)(4).

And OAC Rule 3745-27-19(B)(2) states "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..."

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And Ohio Revised Code (ORC) Section § 3734.11 states in part that, "(A) no person shall violate any section of this chapter, any rule adopted under it, or any order issued under Section 3734.13 of the Revised Code. (B) No person who holds a permit or license issued under this chapter shall violate any terms and conditions of the permit or license."

Apex Environmental, LLC needs to immediately take the necessary measures to protect cover soils from erosion.

Within 14 days of receipt of this letter, Apex Environmental, LLC is requested to provide documentation to the Southeast District Office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies and photographs, as appropriate, and may be submitted via the postal service or electronically to [craig.walkenspaw@epa.state.oh.us](mailto:craig.walkenspaw@epa.state.oh.us).

Please be advised that violations cited above will continue until the violation has been properly abated. Failure to comply with ORC Chapter § 3734 and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. If circumstances delay the abatement of violations, Apex Environmental, LLC is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please contact me by phone at 740-380-5440.

Sincerely,



Craig Walkenspaw  
District Engineer  
Division of Materials and Waste Management

CW/sb

cc: Carla Gampolo, Jefferson County General Health District  
cc: Carl Mussenden, CO-DMWM