



**Environmental
Protection Agency**

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

February 16, 2012

Mr. Dave Matthews
Apex Sanitary Landfill
P.O. Box 157
Amsterdam, Ohio 43903

**RE: JEFFERSON COUNTY
APEX LANDFILL**

Dear Mr. Matthews:

Following our meeting on February 9, 2012, Kristopher Weiss and I went to Gary Dellapenna's house to introduce Kristopher to him. When we left the facility, we drove on County Road 78 and turned on Township Road 267. We were driving with our windows up and did not encounter odors until we approached Carrie Lane/Township Road 267a. The odors were present the entire time we were in the area. We left the area around 4:45 p.m. On a scale of 0-4, with 4 being an odor so strong as to be overpowering and intolerable for any length of time, I would characterize the odors at Gary Dellapenna's house as a level 2 (a distinct and definite odor whose characteristic is clearly detectable), and approaching a level 3 (an odor strong enough to cause a person to avoid it completely.) Steve Rine, SEDO also met us at Mr. Dellapenna's, but traveled along S.R. 43 before turning onto Township Road 267 approaching Mr. Dellapenna's from the opposite direction. He reported that as he approached Gary's house with his window open he also experienced landfill odors along the entire length of Twp. Rd. 267 in the residential area. Following the meeting, Kristopher and I also encountered odors on S.R 43 just as we left Amsterdam and approached Township Road 267. I would characterize those odors as a level 3. The odors for these occurrences were obviously landfill gas related.

Due to presence of these offensive odors and Apex's failure to strictly control odors, Apex Landfill is in violation of Ohio Administrative Code (OAC) rule 3745-27-19(B)(3)¹. Apex is also in continuing violation of OAC rule 3745-27-19(B)(2)² and Ohio Revised

1 OAC rule 3745-27-19(B)(3) "The owner or operator shall operate the facility in such a manner that noise, dust, and odors are strictly controlled so as not to cause a nuisance or a health hazard."

2 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. . . ."

Code (ORC) 3734.11(A) and (B)³ for failing to implement all appropriate odor monitoring practices, best management practices and control systems in order to control odors as required by the Odor Management Plan.⁴ As you know, on December 22, 2011, the Director issued Final Findings and Orders in which Apex agreed to take additional measures to abate the odors emanating from the landfill. The Agency has been closely monitoring Apex's effort to install additional gas extraction wells and we are encouraged by the pace in which these wells are being installed. As I'm sure you understand, the completion of the activities required by the Director's Orders are imperative, but the most important measure of compliance is the outcome - - abatement of the odors. The Agency expects Apex to strictly control odors and will continue monitoring Apex's progress in this regard.

Should you have any questions, feel free to contact me at 614-644-2980

Sincerely,



Pamela S. Allen, R.S.
Chief, Division of Materials and Waste Management

cc: Jefferson County Health Department
Rich Fox, Ohio EPA SEDO, DMWM

PA/tms

³ ORC Section 3734.11 state 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."

⁴ Details found on Pages C8-4 through C8-10 of the December 31, 2009, Permit-to-install Number 06-08438