

December 1, 2011

RE: JEFFERSON COUNTY
APEX LANDFILL

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

Dear Mr. Matthews:

Last night after the Apex applicant's meeting (about 9:00 p.m.), Jed Thorpe, Erin Strouse and I drove an alternate route back to Columbus to determine if any odors were present in the community close to the Apex landfill. We traveled southeast on S.R. 43 towards Wintersville and then took C.R. 39 south towards Bloomingdale. We noticed some odors from the landfill on S.R. 43 shortly before turning onto C.R. 39. 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 on S.R. 43 as a 2 (a distinct and definite odor whose characteristic is clearly detectable.) Shortly after turning onto C.R. 39, the odors were strong at a level between 3 (an odor strong enough to cause a person to avoid it completely) and 4. The odors 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 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, these continuing types of odor violations have caused Director Nally to initiate escalated enforcement against Apex and I'm hopeful we will be able to reach a resolution of that

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. . ."

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

JEFFERSON COUNTY
APEX LANDFILL
PAGE 2

matter soon. In the meantime, however, I expect Apex to strictly control odors and take the necessary measures to abate the odors and associated violations. 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

PA/jms

cc: Jefferson County Health Department
Dale Warner, Ohio EPA SEDO, DMWM