



**Environmental
Protection Agency**

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

December 22, 2011

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

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

Dear Mr. Matthews:

On December 5, 2011 through December 11, 2011, staff from the Southeast District Office of Ohio EPA (SEDO) Division of Materials and Waste Management (DMWM) conducted odor monitoring to determine if any odors were present in the community close to the Apex Landfill. Throughout the days and evenings on those dates, staff traveled on several roads around the Apex facility. Staff that conducted the monitoring included Steve Rine, Craig Walkenspaw, Dan Bergert, Erica Jackson, and Brian Queen. The roadways included the following: State Routes (S) 43, 646, 164, Jefferson County Roads (JC) 39, 78, 75, and 61, Jefferson County Township Roads (JT) 267, 267A, 266, 264, 273, Harrison County Roads (HC) 4, 51, and Harrison County Township Roads (HT) 164, 159, 167, 161, 517.

Offensive, uncontrolled landfill odors were found each day in various locations. The odors were found on the days, locations, and intensity level as listed below:

Dec. 5, 2011: JC 75, JC 78, JT 267 (all odor intensity 2)

Dec. 6, 2011: S 646, HC 4, HT 164, HT159, HT 167, (all 2)

Dec. 7, 2011: S 646, HT161, HT517, JT 266, JC 39, (all 2) JT 264 (3)

Dec. 8, 2011: JT 267 (2)

Dec. 9, 2011: JT 267, JT 266 (2)

Dec. 10, 2011: JT 264, JT 217, S 43, JT 267, C 39, JT 266 (all 2)

Dec. 11, 2011: S 43, JT 267 (2)

Ohio EPA evaluated the odors found on a 0-4 odor intensity scale, with 4 being an odor so strong as to be overpowering and intolerable for any length of time, a 3 being an odor strong enough to cause a person to avoid it completely, a 2 being a distinct and definite odor whose characteristic is clearly detectable, a 1 being an odor concentration which is just barely detectable, and a 0 being a concentration of a odorant which produces no sensation.

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Due to the presence of these offensive odors and Apex's failure to strictly control odors, Apex Landfill is in continuing violation of Ohio Administrative Code (OAC) rule 3745-27-19(B)(3). Apex is also in continuing violation of OAC Rule 3745-27-19(B)(2) and Ohio Revised Code (ORC) 3734.11(A) and (B) 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 contained in the facility's December 31, 2009, Permit To Install Number 06-08438.

OAC Rule 3745-27-19(B)(3) states "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."

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..."

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."

As you know, these continuing types of odor violations have caused Director Nally to initiate escalated enforcement against Apex. Ohio EPA expects 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 740-380-5441.

Sincerely,



Rich Fox, R.S.
Supervisor
Division of Materials and Waste Management

RF/jg

cc: Jefferson County Health Department
Carl Mussenden, Ohio EPA, DMWM