



**Environmental
Protection Agency**

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

December 13, 2011

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

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

RE: December 7, 2011 - Facility Inspection

Dear Mr. Matthews:

On December 7, 2011, Carla Gampolo of the Jefferson County Health Department, and I met with you to conduct a facility inspection of the Apex Landfill. Prior to beginning my inspection of the facility, I conducted odor surveillance of the surrounding communities. Based on my surveillance on December 7, 2011, and Ohio EPA's staff surveillance on the evening of December 6, 2011, odor was detected at a level 2 to 3 on State Route 646. In discussion with your odor staff, it appears that Apex Landfill was unable to abate the odor. As a part of my inspection of the facility, I walked the portions of the west and east slopes and the active disposal area. Based on Ohio EPA's odor surveillance and discussion with your odor personnel and my field inspection, the Apex Landfill is in violation of the following Ohio Administrative Code Rules (OAC):

Apex Landfill is in violation of the following Ohio Administrative Rules:

Ohio Administrative Code (OAC) 3745-27-19(B) Compliance

- (1) OAC 3745-27-19(B)(1) - The owner or operator shall conduct all operations at a sanitary landfill facility in strict compliance with the terms and conditions of the solid waste disposal license issued for the facility in accordance with Chapter 3745-37 of the Administrative Code.

Apex Landfill is in violation of this regulation for failure to comply with its authorizing documents and therefore in violation of the license issued to it by the Jefferson County Health District.

- (2) OAC 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.

On December 5 and 6, 2011, uncontrolled odors were detected on State Route 646. The odor was persistent and Apex Landfill was unable to strictly control odors. Therefore, the facility is in violation of the aforementioned regulation. It was further

determined that the odor may have been caused in part due to a large working face that was not being operated in such a manner as to prevent odors.

- (3) OAC 3745-27-19(E)(2) access - The owner or operator shall construct and maintain all-weather access roads within the facility boundary in such a manner as to withstand the anticipated degree of use and allow passage of the loaded refuse vehicles at all times, with a minimum of erosion and dust generation.

At the time of my inspection, Apex Landfill access road was not being maintained in a manner that to allow proper access to the working face. Incoming loads of waste were backed up beyond the northeast corner of the facility because of the road conditions. Two front end loaders were being used to push or pull trucks up to the working face. The road was not constructed to withstand the degree of anticipated activity and was not constructed to allow all-weather access. The Apex Landfill is in violation of the aforementioned OAC rule.

- (4) OAC 3745-27-19^{(E)(6)} inclement weather - The owner or operator shall ensure preparations have been made such that, during inclement weather, the sanitary landfill facility is able to receive, compact, and cover incoming waste. The preparations shall include, but need not be limited to, designation and preparation of areas where waste will be deposited, compacted, and covered during inclement weather, construction and maintenance of all-weather access roads leading from all points where loaded vehicles enter the site to the inclement weather areas, and stockpiling of cover material.

At the time of my inspection, preparation had not been made to allow the facility to receive waste, compact, and cover incoming waste. The access roads were not constructed and maintained all weather access. Also, no cover soil was stock piled for easy access or stone for the roads. Based on these observations, the Apex Landfill is in violation of the aforementioned rule.

- (5) OAC 3745-27-19^(E)(7)(c)(e) - The owner or operator shall confine unloading of waste materials to the smallest practical area. The owner or operator shall ensure that each unloading area is supervised by a person or persons knowledgeable regarding operations at the working face.

At the time of my inspection, a very large area of exposed waste was observed to be open and waste being disposed of within the entire area. Based on our odor survey, it appears that the large working area which was extremely odorous may have been contributing to the offsite odors. Therefore, Apex Landfill is in violation of the aforementioned rule.

- (6) OAC 3745-27-19(K) - Leachate management - If a leachate outbreak occurs at the sanitary landfill facility, the owner or operator shall repair all outbreaks and do the following:

(a) Contain and properly manage the leachate at the sanitary landfill facility.

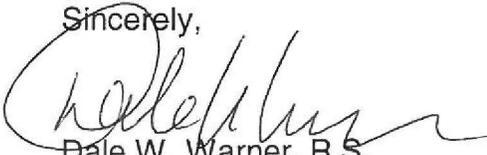
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- (b) If necessary, collect and dispose of the leachate in accordance with paragraphs (K)(5) and (K)(6) of this rule.
- (c) Take action to minimize, control, or eliminate the conditions which contribute to the production of leachate.

At the time of inspection, I observed two uncontrolled leachate seeps on the west side of the facility. These seeps were meandering into a surface water control structure. This is a violation of the aforementioned rule.

Please provide a written response within 15 days outlining the actions taken to correct all the aforementioned violations of Ohio's solid waste regulations. Should you have any questions, feel free to contact me at 740-380-5435.

Sincerely,



Dale W. Warner, R.S.
Environmental Specialist II
Division of Materials and Waste Management

DWW/jg

cc: Jefferson County Health Department