



**Environmental
Protection Agency**

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

March 14, 2012

Re: Jefferson County
Apex Sanitary Landfill
Notice of Violation
NPDES Permit 01N00198
Correspondence (IWW)
Certified Mail 70101060000178961269

Mr. Dave Mathews, General Manager
Apex Environmental, LLC
11 County Road 78
P.O. Box 157
Amsterdam, Ohio 43903

Dear Mr. Mathews:

NOTICE OF VIOLATION

We have received self-monitoring reports covering October 2011 through January 2012 for the referenced facility. Our review indicated the following violations of the conditions of your NPDES permit.

Limit Violations:

Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
001	00530	Total Suspended Solids	30D Conc	35	50.	12/1/2011
001	00552	Oil and Grease, Hexane	1D Conc	10	11.7	12/21/2011

Frequency Violations:

Station	Reporting Code	Parameter	Sample Frequency	Expected	Reported
December 2011:					
001	00010	Water Temperature	2/Month	2	1
001	00083	Color, Severity	2/Month	2	1
001	00530	Total Suspended Solids	2/Month	2	1
001	00610	Nitrogen, Ammonia (NH3)	2/Month	2	1
001	01330	Odor, Severity	2/Month	2	1
001	01350	Turbidity, Severity	2/Month	2	1
001	80082	CBOD 5 day	2/Month	2	1
001	00665	Phosphorus, Total (P)	2/Month	2	1
001	00400	pH	2/Month	2	1
001	70301	Solids, Dissolved-Sum	2/Month	2	1
001	00335	Chemical Oxygen Demand	2/Month	2	1
001	00545	Residue, Settleable (Volume)	2/Month	2	1
001	00552	Oil and Grease, Hexane	2/Month	2	1

Acute Toxicity monitoring is required by the permit on a frequency of once per year per outfall 001. The result is to be submitted in the month of June. If no discharge occurs in the month of June, a sample shall be collected during an alternative month. A note may then be added beside the result to indicate the date sampled.

The AH code was used 15 times for various parameters during the review period. Four times for observational units such as color and turbidity and once for temperature when pH was recorded. The use of the code appears to be unwarranted.

In review of the data, it was noted that in addition to Oil and Grease violation, CBOD₅ was elevated along with nutrients present at outfall 001.

CBOD 5 day	mg/l	12/21/2011	75
CBOD 5 day	mg/l	1/27/2012	26
Nitrogen, Ammonia (NH3)	mg/l	12/21/2011	1.78
Nitrogen, Ammonia (NH3)	mg/l	1/24/2012	1.42
Nitrogen, Ammonia (NH3)	mg/l	1/27/2012	1.71
Phosphorus, Total (P)	mg/l	12/21/2011	0.134
Phosphorus, Total (P)	mg/l	1/24/2012	0.08
Phosphorus, Total (P)	mg/l	1/27/2012	1.14

Complaint(s) about failure to maintain a berm for leachate separation at the working face has been received. The condition "Leachate shall not be discharged to or from the sedimentation pond." is found on page 3 of NPDES permit 01N00198*ED. All areas of active fill shall install and maintain an active berm to provide separation of leachate and non-contact stormwater. Failure to install and maintain the barrier is a violation of the NPDES permit.

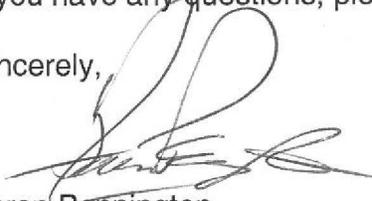
A NPDES modification application and a Permit to Install application with detail drawings of the new sedimentation basin was requested to be submitted by February 2012. No applications have been received as of March 8, 2012. In the event the applications are not received by March 31, 2012, the agency will process Findings and Orders. Monitoring of the new sedimentation basin is paramount.

On February 9, 2012 I visited the site for a meeting with Apex and Apex's consultant prior to an information meeting at the local elementary. During the visit, I noted seepage near the toe of North Pond (001). I also noted that approximately 8-12 inches of pasty unstable material was spread out North of the North pond dam. One could easily lose a boot if they stepped into this material. The practice of spreading this material out into an area subject to occasional traffic is not in accordance with best management practices for sediment control associated to stormwater. This practice appeared to increase exposure for solids violations.

Please provide written correspondence detailing corrective actions for the items above and applications by no later than March 31, 2012.

If you have any questions, please feel free to contact me at (740) 380-5272.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Pennington', written over a faint, illegible typed name.

Aaron Pennington
District Representative
Division of Surface Water

AP/dh

c: Steve Rine Ohio EPA, DMWM, SEDO
c: Aaron Wolfe, Ohio EPA, DSW, SEDO