



**Environmental
Protection Agency**

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

October 20, 2011

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

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

RE: October 6, 2011 Inspection

Dear Mr. Matthews:

On October 6, 2011, Carla Gampolo of the Jefferson County Health Department, Craig Walkenspaw of the Southeast District Office of the Ohio EPA and I met with Anthony Rizzo, Breadon Pantano, Dave Matthews and Scott Lockhart of Environmental Logistics. The purpose of our meeting was to discuss concerns that Ohio EPA has regarding implementation of the Odor Control Plan at the Apex Landfill. The results of this meeting and Ohio EPA's review of the actions taken by Apex to implement the Odor Control Plan at the Apex Landfill will be addressed in a separate letter. After the meeting, a partial site inspection was conducted.

At the time of my inspection, I conducted an investigation into a complaint regarding the illegal discharge of untreated water and sediment coming from the construction of phase 5. At the time of my investigation, I was unable to determine whether any discharge from the construction area had made it to Goose Creek. However, it was determined that the facility had been discharging untreated surface water from the rail area to Goose Creek. A very large sediment pool was observed discharging from the rail area to a culvert that discharges into Goose Creek. The Ohio EPA Division of Surface Water is conducting an additional investigation into this matter.

Prior to entering the facility, I conducted an odor survey to determine if any odor was present in the community. It was determined that odor was present on State Route 43 and Red Dog Road. At the time of my inspection, it was determined that a very large leachate discharge had occurred due to the failure of a rain flap meant to contain leachate in the phase 4 area prior to the completion of the construction of Phase 5. The leachate was allowed by the facility to discharge into a pit dug in the new construction area. This large leachate discharge was contributing to the uncontrolled release of odors. 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.

Because Apex Landfill has failed to maintain compliance with the solid waste license, it is in violation of the aforementioned OAC Rule.

- (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.

At the time of my inspection, I detected odor outside of the facility boundary. A major leachate discharge at the facility was found to be contributing to the uncontrolled release of odors. Apex Landfill is in violation of the aforementioned OAC rule for failure to control nuisance odors.

- (3) OAC 3745-27-19(E)(1)(c) - The owner or operator shall maintain the integrity of the engineered components of the sanitary landfill facility and repair any damage to or failure of the components. "Engineered components" include the components described in rule 3745-27-08 of the Administrative Code and components of the monitoring system installed in accordance with rule 3745-27-10 of the Administrative Code. Failed or damaged engineered components shall be investigated and reconstructed in strict compliance with the existing applicable authorizing documents. If a redesign is necessary, prior approval of an alteration or a modification shall be obtained.

Apex Landfill is violation of the aforementioned OAC Rule for failure to maintain the rain flap that was installed and certified as a part of the construction of phase 4. Please provide details on how this has been corrected.

- (4) OAC 3745-27-19(K) - Leachate management.

OAC 3745-27-19(K)(1) - 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.
- (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.

Apex Landfill is in violation of the aforementioned OAC rule due to its failure to properly manage and contain the leachate that breached the phase 4 area and was pooling within the phase 5 unlined area. As discussed at the time of my inspection, Apex was to sample

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the leachate that had been discharged into the phase five area. Please provide the analysis of the complete list of appendix I parameters.

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,

A handwritten signature in cursive script, appearing to read "Dale W. Warner".

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

DWW/jg

cc: Jefferson County Health Department