



**Environmental
Protection Agency**

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

October 25, 2011

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

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

RE: October 6 and 14, 2011 inspections

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, Brendon 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 permitted Odor Management Plan at the Apex Landfill. I also held a follow up meeting with Mr. Scott Lockhart and Mr. Dave Matthews on October 14, 2011. On each of these dates, I also investigated odor complaints that Ohio EPA has received and I confirmed an odor, strong enough to be considered objectionable and to cause a person to move away from the odor, on State Route 43 and Township Road 267 and Township Road 267A. For several weeks prior to and between these inspections, odor complaints have continued to increase in frequency. Effective measures to mitigate the odors in response to the complaints have not been implemented by the facility.

During the above noted meetings, we discussed the following components of the Odor Management Plan:

1. The Odor Management Plan contained within your current permit requires Apex to continue to research and implement methods to manage odors at the facility. When I discussed this issue with Apex personnel, they could not point to the implementation of any new procedures to mitigate odors from the facility that affect the community.
2. The plan further states that periodic formal odor control surveys will be conducted either with certified Apex personnel or a third party firm. Apex personnel were unable to show me surveys or other actions taken to comply with this portion of the plan.
3. The plan requires Apex personnel to determine the probable source of odors from a complaint, select and implement corrective measures, evaluate the effectiveness of the corrective action(s) and adjust if necessary, and document follow-up information as necessary. Based on my discussions with Apex personnel, it appears that there has been no offsite evaluation of odors and no determination of the effectiveness of any odor control method by Apex personnel in response to complaints to actually abate the nuisance odor experienced by the residents that live around this facility.

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) and (2) - 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. The owner shall conduct all operations in strict compliance with the applicable authorizing document(s).

Apex Landfill is in violation of this regulation for failure to comply with its authorizing documents and therefore is also 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.

As noted above, on October 6, 2011, and October 14, 2011, strong, objectionable, uncontrolled odors were detected on Township Road 267, Township Road 267 A and State Route 43. Based on my discussions with the facility personnel, Apex did receive faxed complaints from the Jefferson County Health District, but no effort was made to go out into the areas where the complaints originated and make a determination whether the odor control methods used onsite were effective in abating the odors. In fact, after discussions with the facility personnel, it appears that for some time, the facility has not been actively evaluating whether their odor control activities on the site are effective at controlling odors in response to complaints as required by the Odor Management Plan. Therefore, Apex is in violation of the aforementioned regulation for violating the requirements of its permit and causing nuisance odors outside of its facility.

- (3) OAC 3745-27-19(E)(10)(c) - When required by Ohio EPA, the owner or operator shall submit log forms or summaries of daily logs to the health commissioner or the director on either paper or electronic versions of forms prescribed by the director. The owner or operator may use alternate forms, either in paper or electronic formats, for the log forms or 3745-27-19 summary of daily logs, provided that all of the information requested on the prescribed forms is present.

On October 6, 2011, Ohio EPA requested that Apex Landfill submit a detailed explanation of the actions taken to comply with the odor control plan, a copy of the complaint database and log, the actions taken to respond to those complaints, as well as all operating data for the gas flare and each gas well. As of the date of this letter, none of this information has been submitted as requested; therefore, Apex is in violation of the aforementioned regulation. The Odor Management Plan also states that copies or reports will be provided upon request. Apex is also in violation of the plan and its permit for failing to provide this information.

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A large number of odor complaints have been received by the Jefferson County Health District and forwarded to Apex. However, Apex has not properly evaluated these complaints and responded with effective corrective actions to abate odors as required by the Odor Management Plan. More effective implementation of all of the odor monitoring practices, best management practices, odor control systems, and gas control systems required in the current Odor Management Plan must be undertaken by Apex. To help abate the release of odors from the facility and odor nuisances within the surrounding community, Apex's odor control measures should include expeditious expansion of the gas extraction system and installation of final cap over the northern portion of the landfill. Additional measures, such as the installation of temporary synthetic cover, should also be investigated. Please submit a detailed schedule and plans to this office to provide these actions as expeditiously as possible.

Please provide a written response within 15 days outlining the actions taken to abate all the aforementioned violations of Ohio's solid waste regulations and your detailed schedule and plans to provide the requested additional odor control measures. 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