



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

June 19, 2013

RE: JEFFERSON COUNTY
FAC - APEX LANDFILL
COM

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

**Subject: Notice of Violation,
Failure to Strictly Control Odors**

Dear Mr. Matthews:

From April 25 to May 29, 2013, in response to complaints regarding odors originating from Apex Sanitary Landfill (Apex), Ohio Environmental Protection Agency (Ohio EPA) conducted an extended odor surveillance investigation along public roads surrounding the facility.

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."*

When evaluating offsite odors, Ohio EPA uses the odor intensity table provided below.

Intensity	Descriptor
Not Detected (ND)	Landfill-related odor Not Detectable .
Fleeting (F)	Landfill-related odor present in the air, which is faint and detectable for a markedly brief period of time not lasting more than 10 seconds.
Detectable (D)	Landfill-related odor present in the air; however, odor intensity or offensiveness does not rise to the level of irritable or intolerable.
Irritable/Intolerable (I)	Landfill-related odor present in the air, which is irritating or intolerable for any length of time and causes a person to attempt to avoid it completely.

Odor surveillance was conducted on five occasions; April 25, April 26-27, May 7, May 14, and May 29. Multiple Ohio EPA staff participated during the odor surveillance so that odor intensity and duration could be reaffirmed. Each odor monitoring event lasted a minimum of 1.5 hours in duration. Detectable (D) odors were present along Country Road 78, Township Road 267, and Township Road 267A during the odor monitoring events, and odor location correlated with the prevailing wind direction. On average, more than fourteen (14) minutes of detectable odor was present per hour of surveillance.

Due to the presence of these offsite landfill odors, Apex has failed to strictly control odors as required by rule and, therefore, is in violation of Ohio Administrative Code (OAC) Rule 3745-27-19(B)(3).

Ohio EPA expects Apex to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Apex is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of the steps taken to return to compliance includes written correspondence, updated policies and photographs, as appropriate, and may be submitted via the postal service or electronically to Rich.Fox@epa.ohio.gov.

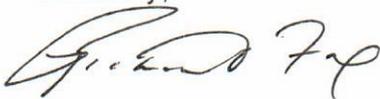
On May 7, 2013, Ohio EPA requested information from Apex Environmental to identify activities that contributed to offsite odors that were observed during surveillance on April 25-27, 2013. On June 13, 2013, Ohio EPA received a letter which included odor complaint evaluations and Offsite Monitoring Routes/Odor Discovery Forms. We will be evaluating this information soon.

Ohio EPA requests that a conference occur within the next thirty days between the operator and Ohio EPA compliance staff to discuss action taken by the facility to address odors as well as steps taken to comply with the orders issued by the Director on June 3, 2013. Please call me at the number below to schedule the meeting.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, Apex is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions regarding this notice, I may be contacted at by telephone at (740) 380-5441 or by email at the address noted above.

Sincerely,



Richard Fox, R.S.
Environmental Supervisor
Division of Materials and Waste Management
Southeast District Office

RF/mr

cc: Jefferson County General Health District
Joe Goicochea, CO-DMWM