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

October 11, 2013

Re: Apex Sanitary Landfill
 Notice of Violation
 MSWL018772
 Municipal Solid Waste Landfills
 Jefferson County
 COM

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

**Subject: Notice of Violation,
 Offsite Odor Investigations (September 23-25, 2013)**

Dear Mr. Matthews:

From September 23 to September 25, 2013, in response to complaints regarding odors originating from Apex Sanitary Landfill (Apex), Ohio Environmental Protection Agency (Ohio EPA) conducted odor surveillance along public roads surrounding the facility. The U.S. Environmental Protection Agency (U.S. EPA) collaborated with Ohio EPA by using a vehicle equipped with external monitoring devices to measure the levels of hydrogen sulfide and methane. During this time period, no complaints were reported to the odor hotline for Apex Sanitary Landfill.

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 by Ohio EPA on four occasions: September 23 beginning at 2:05 am and ending at 6:59 am; September 23 beginning at approximately 8:00 pm and ending at 12:39 am; September 24 beginning at 3:50 pm and ending at

8:49 pm; and September 25 beginning at 9:45 am and ending at 11:47 a.m. 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 landfill gas odors were present along County Road 78 east of the landfill, State Route 646 south of the landfill, and secondary public roads extending up to three (3) miles south and west of the landfill during the odor monitoring events, and odor location correlated with the prevailing wind direction. In addition, irritable and intolerable landfill gas odors were detected along County Road 78 on September 24 from at least 12:11 a.m. until 12:39 a.m. On average, more than twenty-five (25) 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 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 fourteen (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 September 26, 2013, Ohio EPA staff accompanied Apex personnel performing the required monthly surface scan for methane. During this time, Ohio EPA staff collected hydrogen sulfide measurements in areas where intermediate cover had been placed on amassed waste. Ohio EPA staff detected intense hydrogen sulfide odors and measured elevated concentrations in Phases 4B-2, 6A-West, and 6A-East, and in the proximity of the tie-in along Phase 6A-West. As you are aware, hydrogen sulfide measurements were taken by Ohio EPA in these areas on September 5, 2013 and shared in correspondence dated September 20, 2013. Elevated hydrogen sulfide concentrations continue to be measured along the intermediate covered areas. Within fourteen (14) days of receipt of this letter, please provide a copy of the map including results from the September 26, 2013 surface scan. Methane concentrations of 250 ppm and 500 ppm should be identified as yellow and red points, respectively. In addition, please describe steps that have or will be taken to collect and control landfill gases in these areas where elevated hydrogen sulfide is passively venting through the intermediate cover.

Ohio EPA requests that a conference occur within the next thirty (30) days between Apex and Ohio EPA to discuss action taken by the facility to address recent odors as well as Apex's response to the notice of deficiency dated September 16, 2013 for the facility odor management plan.

**Jefferson County
Apex Sanitary Landfill
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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 by telephone at (740) 380-5441 or by email at the address note above.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Fox". The signature is fluid and cursive, with the first name "Richard" written in a larger, more prominent script than the last name "Fox".

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

RF/mr

ec: Jefferson County General Health District
Anthony Rizzo, Environmental Logistics Services
Aaron Shear, CO-DMWM