



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

November 15, 2013

Mr. Anthony Rizzo
Environmental Logistics Services LLC
P.O. Box 157
Amsterdam, Ohio 43903

Dear Mr. Rizzo:

On November 12, 2013, representatives from Apex Sanitary Landfill (Environmental Logistics Services, LLC.), Jefferson County General Health District, and Ohio EPA met to discuss the development and implementation of effective odor control and management procedures at Apex Sanitary Landfill (Apex) located in Amsterdam, Jefferson County, Ohio. The meeting was requested by Ohio EPA following issuance of a notice of violation, dated October 11, 2013, for failure to strictly control odors during extended odor surveillance performed by Ohio EPA from September 23 through 25, 2013. The purpose of the meeting was to discuss actions taken by Apex to control odors emanating from the landfill and provide updates related to the restructuring of Environmental Logistics Services, LLC as it relates to the operations of the landfill.

During the meeting, Ohio EPA summarized correspondences sent to Apex since September 2013 that collectively identify critical sources of odorous landfill gas (hydrogen sulfide) and to recommend best management practices that effectively collect and control such gas. Correspondence referenced during the meeting included:

- notice of deficiency for the facility's Odor Management Plan (OMP) dated September 16, 2013;
- notice of compliance dated September 20, 2013, which identified significantly elevated concentrations of hydrogen sulfide measured in areas where intermediate cover had been placed;
- notice of violation dated October 11, 2013, which identified significantly elevated concentrations of hydrogen sulfide measured in areas where intermediate cover had been placed and cited a violation for detectable and irritable/intolerable odors detected by Ohio EPA in the community during surveillance performed on September 23 through 25, 2013; and,
- letter dated October 30, 2013, by which Ohio EPA could not recommend approving a request that would delay expansion of the gas collection and control system.

Odor Management Plan

As discussed during the meeting, it is important that Apex respond to the notice of deficiency (NOD) dated September 16, 2013 and submit a revised OMP that includes

best management practices designed to minimize and control landfill odors. In particular, Apex is expected to include detailed procedures for the screening of soils that will be used for intermediate and transitional cover or applied as supplemental cover material to ensure that the soils meet rule requirements and are also appropriate for effective odor control. The OMP should also include a tiered approach for odor response, which includes triggers for the deployment of synthetic cap materials (odor control blanket) and final cap. These best management practices have been effective in minimizing and controlling odors at landfills where gases are passively venting and migrating offsite. Apex expressed a willingness to submit a revised OMP that captures best management practices and other items included in the notice of deficiency; however, Apex would not provide a tentative submittal date.

During our meeting we clarified a number of questions that Apex had on the NOD and discussed a number of "bridges" for language changes that should allow Apex to submit the revised OMP promptly. Ohio EPA reiterates its expectation that Apex promptly submit an approvable OMP and is hopeful that the "bridges" contemplated by Apex will be appropriate. However, in the interim, in cases where Apex can implement the best management practices identified by Ohio EPA that are known to be effective in controlling odors even before any authorizing document is changed, Ohio EPA encourages Apex to notify the Agency, commence activities, and report on the implementation of such measures. Apex remains responsible to comply with applicable odor control requirements and to prevent nuisances from occurring notwithstanding continued discussion of proposed changes to the OMP. Additionally, while Ohio EPA appreciates that changes are occurring as a result of a restructuring of the business, Apex is likewise expected to be responsive and operate its facility in compliance with applicable laws, rules, permits, and orders. These business changes should not result in further delay of OMP revisions. Within thirty (30) days of receipt of this letter, please submit an approvable OMP to Ohio EPA Division of Materials and Waste Management.

Intermediate Cover

Ohio EPA has measured hydrogen sulfide venting through the intermediate cover at elevated concentrations on September 5, 2013 and September 26, 2013. In a written response dated October 4, 2013, and at the meeting, Apex stated that mine spoil is used for intermediate and transitional cover. In addition, Apex stated that it screens soils for transitional cover in accordance with operating procedures. Please be aware, as required by rule, intermediate and transitional cover must be a soil layer consisting of well-compacted loam, silt loam, clay loam, silty clay loam, silty clay or some combination thereof. Use of quality soils at increased thickness, as well as odor control blankets, for intermediate cover has been effective in minimizing and controlling odors at other Ohio landfills.

The hydrogen sulfide measurements taken on September 5, 2013 and September 26, 2013 document that the intermediate cover is not effectively performing its intended purpose of containing landfill gas. In addition, Apex has not demonstrated that the cover material used satisfies the requirement of Rule 3745-27-19(G)(2) of the Ohio Administrative Code (OAC). While the test pits may show more than three (3) feet of

material in some areas, the written response dated October 4, 2013 states that "finer soil particles in the mine spoil completely fill the voids..." OAC Rule 3745-27-19(G) requires that large objects, such as rock, be removed and the resulting material be an aforementioned soil type. Since the certification reports referenced by Apex do not apply to intermediate cover, Ohio EPA requests that additional information be provided that demonstrates the elements contained in rule are satisfied with respect to the intermediate cover. Within thirty (30) days of receipt of this letter, please schedule a field visit with Ohio EPA Division of Materials and Waste Management to allow for observation/sampling of placed intermediate cover material from representative locations.

Transitional Cover

During the meeting, you stated that seeding equipment had been purchased to effectively seed and mulch transitional cover areas in order to establish dense vegetation. Previously, Ohio EPA had expressed concern about the timeliness and effectiveness of seeding methods utilized. In addition, the mine spoil placed as transitional cover may impede the establishment of a root system. As you are aware, establishment of dense vegetation reduces erosion of soil cover and supports the containment of landfill gases. These benefits can also be realized for intermediate cover and promote compliance with OAC Rule 3745-27-19(G)(4). Please include the seeding equipment as a best management practice in the OMP, including the type of equipment and detailed procedures for seeding and mulching areas where intermediate and transitional cover is placed.

Director's Final Findings & Orders – Notice of Violation

In a letter dated October 29, 2013, Ohio EPA Division of Materials and Waste Management notified Apex that it would not recommend a request to delay the installation of six (6) vertical gas extraction wells and ancillary components required to be installed and operational by October 30, 2013. To date, Apex has not begun installation of the required engineered components and, therefore, is in violation of Order Number 4 of the December 22, 2011 Director's Final Findings & Orders (2011 Orders). During the meeting, Apex stated that a contractor has been identified; however, a contract had not been signed and dates have not been scheduled for installation of the engineered components. In an email dated November 14, 2013, Apex notified Ohio EPA that installation would commence November 18, 2013. Ohio EPA requests that Apex update Southeast District Office regularly on steps taken to return to compliance.

Please be advised that violations cited above will continue until the violations have been properly abated. As you may know, 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.

Since Apex is in violation of Director's Final Findings and Orders, Jefferson County General Health District informed you, and Ohio EPA Division of Materials and Waste Management agrees, that a 2014 operating license cannot be recommended for approval at least until the gas extraction wells and ancillary components are installed and operational in accordance with the 2011 Orders and the facility returns to substantial compliance.

As a result of the sale of rail assets, you summarized changes that the landfill will likely experience during a restructuring of the business. At this time, Apex maintains its existing staffing levels for landfill operations and odor control response. The landfill is anticipated to cease acceptance of rail waste by the end of this calendar year, which will lessen daily waste receipts from approximately 6,000 tons to 1,500 tons and reduce sludge materials by up to ninety percent. With reduced waste receipts, you anticipate changes to procedures for performing odor surveillance and complaint response in the OMP. You also prefer maintaining current operating hours to offer flexibility to customers. Please note that Ohio EPA recommends establishing operational procedures in the OMP that allows for the application of daily cover such that odors are effectively controlled and expressed concern that the lack of limitation on operating hours may have contributed to odor control problems in the past.

I appreciate you and your staff meeting with Jefferson County General Health District and Ohio EPA staff to discuss the notice of violation dated October 11, 2013. As you know, Jefferson County General Health District and Ohio EPA receive routine complaints regarding landfill odors emanating into the neighboring community. Our agencies are committed to investigating complaints from the community and working with Apex to identify and implement procedures that effectively minimize and control landfill odors. As Apex addresses the violations and outstanding issues identified in this letter and other items related to odor control, I encourage you to maintain open dialogue with my staff, Jefferson County General Health District, and the community.

If you have any questions or comments related to this letter, please contact me by telephone at (740) 380-5213 or email at joe.goicochea@epa.ohio.gov.

Sincerely,



Joe Goicochea
Environmental Manager
Division of Materials and Waste Management, Southeast District Office

JG/mr

ec: Bruce Misselwitz, Jefferson County General Health District
Pam Allen, DMWM-CO
Bruce McCoy, DMWM-CO
Rich Fox, DMWM-SEDO