



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

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OHIO EPA

November 21, 2008

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DIV. OF HAZARDOUS
WASTE MGT.

Mr. Robert Sterling
Harrison County Engineer
Courthouse
100 West Market
Cadiz, Ohio 43907

027 (28)

**Re: Harrison County Garage-Financial Assurance
OHD 987 021 177**

Dear Mr. Sterling

On October 31, 2008, the Ohio Environmental Protection Agency conducted a financial record review of the Harrison County Garage (HCG) site. I evaluated the facility for the post-closure cost estimate and financial assurance for post closure care as set forth in the Ohio Administrative Code (OAC) rules 3745-66-44 and 3745-66-45 and U.S. EPA's August 2, 1993, Consent Agreement and Final Order (CAFO), United States District Court for the Southern District of Ohio Eastern Division, United States of America, Plaintiff, v. Harrison County, Ohio, Defendant.

The CAFO agreed to by U.S. EPA and Harrison County (HC) required them to comply with the financial assurance requirements in OAC 3745-66-40 through 3745-66-48. Currently, HC is required to complete post-closure activities at this property, including operations and maintenance, financial assurance and ground water monitoring.

Harrison County has not had consistent compliance with the OAC financial assurance rules. Ohio EPA has allowed them to provide financial assurance documentation annually with a line item in their budget. The line item is to reflect an annual cost estimate for post-closure care and the loan payment the HCG is making on the Ohio Water Authority loan.

Previously, HC was cited in violation of OAC rule 3745-66-44 and 3745-66-45 because their budget did not have an itemized cost for the post-closure care financial assurance and updated financial assurance has not been provided annually. To date, **HC remains in violation of OAC rule 3745-66-44 and 3745-66-45**, because HC has not maintained an updated cost estimate and financial assurance documentation annually.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director



To return to compliance with the above violations, HC must provide updated post-closure care financial assurance documentation annually, documentation must be submitted annually for post-closure care cost estimates and post-closure care financial assurance. It was decided that financial assurance would be acceptable as a line item in their budget to reflect an annual cost estimate for post-closure care. The budget line item for post-closure care should be more specific. It should identify specific detailed post closure care activities remaining to be completed for the remaining of the post closure care period.

Please submit the detailed post-closure cost estimate and post-closure care documentation as requested above. Submit this information to me within thirty (30) days of receipt of this letter.

If you have any questions do not hesitate to contact me at (614) 644-2951.

Sincerely,



Tina Jennings
Compliance Assurance Section
Division of Hazardous Waste

cc: Jim Sferra, SEDO, DHWM
Kristina Durnell, RIS, DHWM1
Harry Sarvis, CAS, DHWM