



**Environmental
Protection Agency**

Joe Strickland, Governor
Lee Fisher, Lt. Governor
Chris Joneski, Director

September 23, 2010

**RE: HOLMES COUNTY LANDFILL
2009 ANNUAL REPORT
NOTICE OF VIOLATION**

CERTIFIED MAIL

Joe Miller, Chairman
Holmes County Board of Commissioners
2 Court Street, Suite 14
Millersburg, OH 44654

Dear Mr. Miller:

The Ohio Environmental Protection Agency (Ohio EPA) Northeast District Office (NEDO) has completed a review of the 2009 annual operational report for the Holmes County Landfill. The document was received on March 30, 2010.

Ohio EPA has identified the following violations of OAC 3745-27-19:

1. **OAC 3745-27-19(M)**, which states the *"Annual Operational Report"* shall include, at a minimum, the following information summarizing the previous calendar year's operation: (1) A topographic map of all units of the sanitary landfill facility, certified by a professional skilled in the appropriate disciplines, with updated contour lines on the plan drawing containing information specified in rule 3745-27-06 of the Administrative Code. The owner or operator shall identify the following: (e) The current working phase and unit.

The current working face and unit were not identified.

2. **OAC 3745-27-19(B)(2)**, which states, in part *"The owner or operator shall conduct all construction and operation at the sanitary landfill facility in strict compliance with the applicable authorizing documents..."*; and, OAC 3745-27-19(E)(7)(b), which states *"the owner or operator shall not begin filling in a new phase, without completing the previous phase, except to the extent necessary for the proper operation of the sanitary landfill facility; and, OAC 3745-27-19(H), which states " Within seven days of reaching the approved final elevations of waste placement in a phase, or an alternate schedule approved by the director, the owner or operator shall begin constructing the final cap system..."*

The limits of waste placement exceed the limits authorized for Phase 2. This violation was also identified in the 2008 annual report review.

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3. **OAC 3745-27-19(M)(6)** requires the annual report to contain: *"The most recent updated closure cost estimate, post-closure care cost estimate, and if applicable, corrective measures cost estimate, adjusted for inflation and for any change in closure cost estimate, post-closure care cost estimate, or corrective measures cost estimate required by rules 3745-27-15, 3745-27-16, and 3745-27-18 of the Administrative Code."*

OAC 3745-27-15 and 3745-27-16 require that the financial assurance instrument contain an itemized written estimate, in current dollars, of the cost for a third party to complete closure and post-closure care of the facility. The annual report does not contain itemized cost estimates for closure or for post-closure care of the facility.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the Entity from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions concerning this letter, please contact me at (330) 963-1257. Submit a response to this notice of violation by October 23, 2010].

Sincerely,



Katharina Snyder
Division of Solid and Infectious Waste Management

KS:cl

cc: Jon Croup, Holmes County Health Department
File: [Sowers/LAND/HOLMES/ANN/38] #3209

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Joe Miller, Chairman
Holmes County Board of
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2 Court Street, Suite 14
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