



**Environmental
Protection Agency**

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

March 9, 2011

**RE: HOLMES COUNTY LANDFILL
GROUND WATER
NOTICE OF VIOLATION**

CERTIFIED MAIL

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

Dear Mr. Miller:

In a letter dated July 13, 2010, the Ohio Environmental Protection Agency (Ohio EPA) declined to approve an alternate source demonstration for Wells LZ-3-R and UZ-1 at the Holmes County Landfill. The wells should have been incorporated in an assessment monitoring program by July 12, 2010.

Specifically, OAC Rule 3745-27-10(E)(1) requires that "...Unless the director approves the report submitted in accordance with paragraph (D)(7)(c) of this rule, the owner or operator shall implement a ground water quality assessment plan capable of determining the concentration, rate, and extent of migration of waste-derived constituent(s) in the ground water upon determining a statistically significant increase over background in accordance with paragraph (D)(7) of this rule. The owner or operator shall implement and comply with the ground water quality assessment plan and the requirements of this rule..."

Based upon discussions with your consultant in December 2010, Ohio EPA expected to receive an amended demonstration early this year. However, Ohio EPA has not received additional information to justify returning these wells to the detection monitoring program. Ohio EPA has also not received an assessment monitoring program plan, and it appears the wells have not been sampled for Appendix I and II constituents. Therefore, the owner/operator of the Holmes County Landfill has been in violation of OAC Rule 3745-27-10(E) since July 12, 2010.

Please submit a response to this notice of violation by April 9, 2011.

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.

Joe Miller, Chairman
Holmes County Board of Commissioners
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If you have any questions concerning this letter, please contact me at (330) 963-1257.

Sincerely,

A handwritten signature in cursive script, appearing to read "Katharina Snyder".

Katharina Snyder
Division of Solid and Infectious Waste Management

KS:cl

cc: Mark Kroenke, DDAGW-NEDO
Jon Croup, Holmes County Health Department
Jerry Galbraith, Director of Environmental Management
File: [Sowers/LAND/HOLMES/GRO/38]

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

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