



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

August 11, 2009

**RE: HOLMES COUNTY LANDFILL, HOLMES COUNTY
TEN YEAR DESIGN DEMONSTRATION
NOTICE OF VIOLATION (NOV)**

CERTIFIED MAIL

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

Dear Mr. Miller:

Holmes County Landfill's original permit to install was issued by Ohio Environmental Protection Agency (Ohio EPA) on March 28, 1985. Ohio Administrative Code 3745-27-19(N) states, in part, "Upon every tenth anniversary of the initial permit to install issued to the owner or operator of the sanitary landfill facility pursuant to Chapter 3734. of the Revised Code and each tenth anniversary thereafter, the owner or operator shall submit to Ohio EPA an analysis demonstrating that the design of the unconstructed portions of the sanitary landfill facility continues to be consistent with the design standards established in the current version of OAC 3745-27-08 of the Administrative Code."

In order to maintain compliance with OAC 3745-27-19(N), the Facility's Ten Year Design Demonstration submittal was due to Ohio EPA no later than March 28, 2005. A review of Ohio EPA's files indicates that as of the date of this letter, Ohio EPA has not received Holmes County Landfill's Ten Year Design Demonstration. Therefore, the Facility's failure to submit this demonstration is a violation of OAC Rule 3745-27-19(N).

Please respond to the above violation within 14 days of receipt of this letter.

Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This letter shall not be interpreted to release MPG and GHLP or others from responsibility under ORC Chapters 3704., 3714., 3734., or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please do not hesitate to contact me at (330) 963-1238.

Sincerely,

Judy Bowman
Environmental Specialist
Division of Solid and Infectious Waste Management

JB/KS/cl

pc: Katharina Snyder, DSIWM, NEDO
Kelly Jeter, DSIWM, CO

Jon Croup, Holmes County Health Department
File: [Sowers/LAND/Holmes County LF/COR/]