



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  
2008 ANNUAL REPORT  
NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Frank Lasky, Jr.  
c/o World Resource Land Management, Inc.  
1422 East Avenue  
Erie, PA 16503

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

Dear Mr. Lasky and Mr. Miller:

The Ohio Environmental Protection Agency (Ohio EPA) Northeast District Office (NEDO) has completed a review of the 2008 annual operational report for the Holmes County Landfill. The document was received on April 1, 2009.

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

1. **OAC 3745-27-19(B)(2):** *"The owner or operator shall conduct all construction and operation at a sanitary landfill facility in strict compliance with the applicable authorizing document, including permit to install..."*

OAC 3745-27-19(M)(1)(e) requires the annual report contain "a topographic map of all units of the sanitary landfill facility...with updated contour lines on the plan drawing containing information specified in rule 37 45-27-06 of the Administrative Code. The owner or operator shall identify the...current working phase and unit."

The projected phase and unit for filling in the coming year is shown as phases 2, 3, and 4. Ohio EPA received a certification report for the phase 3 berm on May 20, 2008. It appears that the owner or operator is currently operating in the phase depicted by Plan sheet 6C of 35, Phase 2 Completion, Phase 3 Preparation. This phase requires that final cap be placed on Phase 1 prior to filling in Phase 2 and final cap be placed on Phase 2 prior to filling in Phase 3. No final cap has been placed at the facility. The limits of waste placement exceed the limits authorized for Phase 2. Therefore, the owner or operator is in violation of OAC 3745-27-19(B)(2).

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2. **OAC 3745-27-19(E)(7)(b):** *“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 owner or operator is currently operating in the phase depicted by Plan sheet 6C of 35, Phase 2 Completion, Phase 3 Preparation. This phase requires that final cap be placed on Phase 1 prior to filling in Phase 2 and final cap be placed on Phase 2 prior to filling in Phase 3. No final cap has been placed at the facility. Therefore, the owner or operator is also in violation of OAC 3745-27-19(E)(7)(b).

3. **OAC 3745-27-19(M)(6):** *“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. The narrative states “The cost estimate for the facility is based upon the authorizing PTI which did not contain an itemized breakout.” Regardless of the format of the cost estimates in the authorizing document, the annual report must contain an itemized estimate. The owner/operator is in violation for not submitting an itemized cost estimate for closure and post-closure.

Ohio EPA has identified the following deficiencies and discrepancies in the annual report:

4. Section 5 (page 2) of the report indicates waste receipts were measured visually and by scales, however, the required conversion factor for measuring by volume was not provided.
5. A mathematical error was found in Table 6.2, total tons of Out-of-District Waste Disposal. The total adds up to 8,858.4, not 8,856.4.
6. Table 9.1 reported that the total Out-of-District Waste received was 8,656.4, which does not match the amount reported in Table 6.2.
7. The In-District C&DD was reported to be 5,195 tons, and Out-of-District C&DD was reported to be 1,276.5 tons, for a total of 6471.5 tons. The waste

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calculations presented in Section 12, in a letter dated March 26, 2009, from North Point Engineering, states that 12,837.00 tons of C&DD was received in 2008.

8. The capacity calculations were presented in a letter from North Point Engineering to Holmes County Solid Waste Management District dated March 26, 2009. The remaining airspace was estimated by subtracting the waste received in 2008 from the airspace remaining as of 12/31/07. Determining the remaining waste capacity by estimating the volume of waste receipts is not very accurate and these inaccuracies will accumulate throughout the reporting years. Ohio EPA requests that airspace calculations be determined through a comparison of the topographic survey to the authorized limits of waste placement. This method will ensure that the remaining capacity estimate is accurate. The reason Ohio EPA requires a topographic survey is not only to determine compliance with limits of waste placement in authorizing documents, but also to accurately determine remaining capacity.
9. Table 12, Remaining Life, a. AMDWR is reported to be 100 tons/day. The AMDWR at Holmes County Landfill is 200 tons/day, not 100 tons/day. The annual receipts at AMDWR and remaining life are therefore also in error.
9. Table 12, Remaining Life, b. Actual Recent Waste Receipts, reports the actual 2008 waste receipt to be 41,498 tons. The March 26, 2009 North Point Engineering Letter states that the waste received in 2008 was 18,748.17 tons MSW; 12,837 tons C&DD; and 16,331.88 tons fly ash, for a total of 47,917.05 tons.

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 September 11, 2009.

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] DSIWM #2466

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 City, State, ZIP+4: c/o World Resource Land Mgmt

PS Form 3800, August 2006 See Reverse for Instructions

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

2. Article Number  
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 c/o World Resource Land Management, Inc.  
 1422 East Avenue  
 Erie, PA 16503

2. Article Number  
 (Transfer from service label) 7008 3530 0003 5419 7129 K Snyder 8-12-09

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

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 Frank Lasky  Agent  
 Addressee

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