



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

November 19, 2009

**RE: HOLMES COUNTY LANDFILL
GROUND WATER
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) has reviewed the following document.

**Results of Verification Re-Sampling, 2008 Second Semi-Annual Ground Water
Detection Monitoring Event, dated May 15, 2009**

The document is a demonstration of a false positive in accordance with Ohio Administrative Code (OAC) 3745-27-10 (D)(7)(c)(i). The report was prepared and submitted to the Northeast District Office (NEDO) of Ohio EPA by North Point Engineering and KU Resources, Inc. on behalf of the Holmes County Board of Commissioners, and World Resource Land Management, Inc. The report is dated May 15, 2009, and was received by NEDO on May 19, 2009.

Ohio EPA has identified the following violations:

- 1. The owner/operator is in violation of OAC 3745-27-10 (D)(7)(c)(i) requiring that a report documenting the demonstration of a false positive using the 1 of M re-sampling method must be submitted to Ohio EPA within 180 days from initial sampling.**

The initial sampling occurred on November 19, 2008. The OAC 3745-27-10 (D)(7)(c)(i) false positive demonstration report was received at NEDO on May 19, 2009, which was beyond the 180-day deadline from initial sampling. As such, the above referenced report did not meet all of the requirements of OAC 3745-27-10 (D)(7)(c)(i) and may not be used to demonstrate a false positive.

To return to compliance, the owner/operator needs to put ground water monitoring wells UZ-10, UZ-11, LZ-1R, LZ-2, and LZ-3R into a ground water quality assessment monitoring program in accordance with OAC 3745-27-10 (E).

2. The owner/operator is in violation of OAC 3745-27-10 (C)(1) requiring that the ground water sampling and analysis procedures are designed to ensure monitoring results that provide an accurate representation of ground water quality for the following reasons:

- a. Ground water monitoring wells UZ-10, UZ-11, LZ-1R, and LZ-3R were purged utilizing the removal of three well volumes of water. However, the three well volumes of water were purged from the ground water monitoring wells on May 6, 2009, but ground water samples were not collected until the following day on May 7, 2009. These wells did not purge dry and appeared to contain sufficient water to allow immediate sample collection. Chapter 10: GROUND WATER SAMPLING of the Ohio EPA TECHNICAL GUIDANCE FOR GROUND WATER INVESTIGATIONS recommends monitoring wells should be sampled immediately after purging, unless site-specific conditions preclude it (e.g., if some wells are too low-yielding). This minimizes the time for physical and chemical alteration of water in the well casing.

Field parameters measured immediately before sampling on May 7, 2009 were significantly different than those measured at the end of well purging on May 6, 2009, which indicates the water samples are not representative of actual ground water quality.

- b. Ohio EPA is unable to determine if the analytical results of the ground water samples provide an accurate representation of ground water quality. Indicator parameters are measured in the field to evaluate well stabilization during purging. Chapter 10: GROUND WATER SAMPLING of the Ohio EPA TECHNICAL GUIDANCE FOR GROUND WATER INVESTIGATIONS recommends that *"indicator parameters measured in the field be used to evaluate well stabilization during purging and monitored for stability to determine if additional purging is necessary. A parameter can be considered stable when at least three consecutive readings have stabilized."*

Field parameter measurements of temperature, pH, and specific conductance measured during individual well purging on May 6, 2009 appear to contain significant changes between consecutive readings without stabilization for three consecutive readings.

As such, the above referenced report did not meet the requirements of OAC 3745-27-10 (C)(1) and cannot be used to demonstrate a false positive because the analytical results

Frank Lasky, Jr., c/o World Resource Land Management, Inc.
Joe Miller, Chairman, Holmes County Board of Commissioners
November 19, 2009
Page 3

may not provide an accurate representation of ground water quality in accordance with OAC 3745-27-10 (C)(1).

To return to compliance, the owner/operator needs to place ground water monitoring wells UZ-10, UZ-11, LZ-1R, LZ-2, and LZ-3R into a groundwater quality assessment monitoring program in accordance with OAC 3745-27-10 (E).

- 3. The owner/operator is in violation of OAC 3745-27-10 (E)(1), (E)(3), and (E)(5)(a)(i) requiring 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.**

To return to compliance, the owner/operator of Holmes County Landfill needs to submit a Ground Water Quality Assessment Plan in accordance with OAC 3745-27-10 (E)(3), and sample the affected wells and analyze the samples for all waste-derived constituents, including all constituents listed in Appendix I and Appendix II of this rule in accordance with OAC 3745-27-10 (E)(5)(a)(i).

Ohio EPA has the following recommendations.

4. Ground water monitoring well LZ-2 went dry prior to purging three well volumes of water. A ground water sample was collected from the well after water levels had sufficiently recovered approximately 19 hours later.

A water level measurement at monitoring well UZ-2, collected just prior to sampling, show the well to have fully recovered. The above information may indicate a ground water sample can be collected within a relatively short time of purging the well to dryness. Chapter 10: GROUND WATER SAMPLING of the Ohio EPA TECHNICAL GUIDANCE FOR GROUND WATER INVESTIGATIONS recommends for wells purged to dryness that, *"In the case of a well with very slow recharge, sample collection should be attempted at least every 24 hours."* The guidance manual further indicates that *"samples should be taken as soon as there is a sufficient amount of water. As extended recovery times after purging (hours) allow the ground water to equilibrate with atmospheric conditions."*

Ohio EPA recommends the owner/operator collect additional water level measurements between the time the well is purged to dryness and when it is sampled to determine when water levels sufficiently recover to allow sampling. This will ensure that ground water monitoring well UZ-2 is sampled within a reasonable amount of time following purging, and complies with OAC 3745-27-10 (C)(1) which requires, in part, that the ground water

Frank Lasky, Jr., c/o World Resource Land Management, Inc.
Joe Miller, Chairman, Holmes County Board of Commissioners
November 19, 2009
Page 4

monitoring program shall include "*sampling and analysis procedures that are designed to ensure monitoring results that provide an accurate representation of ground water quality.*"

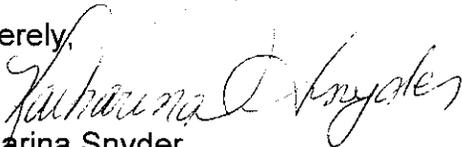
5. The well purging and sampling report field data sheets utilize qualitative descriptions for turbidity field measurements such as "CLR," "LT TAN," and "BRN," rather than quantitative measurements of nephelometric turbidity units (NTU) values. Turbidity is an important field parameter at solid and infectious waste landfills for determining sample representativeness, because the Ohio Solid and Infectious Waste regulations do not allow for the field filtering of samples for geochemical analysis. As such, it is imperative that sample turbidity be minimized as much as possible to ensure the collection of representative samples.

Ohio EPA recommends the owner/operator measure actual NTU values during future ground water sampling events, to ensure the turbidity is less than 10 NTU, and the samples provide a consistent and accurate representation of ground water quality in accordance with OAC 3745-27-10 (C)(1). Ohio EPA recommends the owner/operator revise the ground water detection monitoring plan accordingly.

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.

Please submit a response to this letter by December 19, 2009. If you have any questions concerning this letter, please contact me at (330) 963-1257.

Sincerely,



Katharina Snyder
Division of Solid and Infectious Waste Management

KS:cl

cc: Doug Dobransky, DDAGW-NEDO
Kelly Jeter, DSIWM-CO
Jon Croup, Holmes County Health Department
Jerry Galbraith, Director of Environmental Management
File: [Sowers/LAND/HOLMES/GRO/38]

DSIWM #2559

7009 1680 0000 6381 1930

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	10# 2-5-09 Postmark: Here KS 11-24-09
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent to: Frank Lasky Jr
 Street, Apt. No., or PO Box No.: World Resource Land Mgmt
 City, State, ZIP+4:

PS Form 3800, August 2006

7009 1680 0000 6381 1930

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage	\$	10# 25-09 Postmark: Here KS 11-24-09
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent to: Joe Miller
 Street, Apt. No., or PO Box No.: Holmes County Bd of Commissioners
 City, State, ZIP+4:

PS Form 3800, August 2006

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

2. Article Number
 (Transfer from service label) 7009 1680 0000 6381 1930 K. Lasky 11-24-09

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

2. Article Number
 (Transfer from service label) 7009 1680 0000 6381 1930 K. Lasky 11-24-09

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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