



State of Ohio Environmental Protection Agency

Southeast District Office

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

May 12, 2008

**MUSKINGUM COUNTY
FAC - GHS C&DD LANDFILL**

Wells Fargo Home Mortgage
MAC X2301-049
1 Home Campus
Des Moines, Iowa 50328

Attn.: Mr. Jason Lee, Assets Recovery Manager

Dear Mr. Lee:

As you recall, my April 7, 2008, letter advised you that Ohio EPA's Southeast District Office is currently unable to complete its review of the final closure certification report for the GHS C&DD Facility, located on Rock Road, Muskingum County. My letter also stated that Ohio EPA's Southeast District Office is still waiting on Wells Fargo to provide the following documentation, as required by the Ohio Administrative Code:

- 1. Ohio Administrative Code (OAC) Rule 3745-400-12(E)(7) states that the owner or operator shall file with the appropriate County Recorder a plat of the facility and information describing the acreage, exact location, depth, volume and nature of the placed debris.**

To date, the Ohio EPA has not received documentation that the information required by this rule has been properly filed. Therefore, Wells Fargo continues to be in violation of OAC Rule 3745-400-12(E)(7).

- 2. OAC Rule 3745-400-12(E)(8) states that the owner or operator shall record a notation on the deed to the facility property or on another instrument which is examined during title search, alerting in perpetuity any potential purchaser of the property that the land has been used as a construction and demolition debris facility. The notation shall include information describing the acreage, exact location, depth, volume and nature of the placed debris.**

To date, the Ohio EPA has not received documentation that the information required by this rule has been properly recorded. Therefore, Wells Fargo continues to be in violation of OAC Rule 3745-400-12(E)(8).

- 3. OAC Rule 3745-400-12(E)(5) states in part that within one year of ceasing to accept debris for disposal, the owner or operator shall complete construction of a cap system, as required paragraphs (D) and (E) of rule 3745 400 07 of the Administrative Code, over all areas of debris placement not previously certified in accordance with rule 3745 400 08 of the Administrative Code.**

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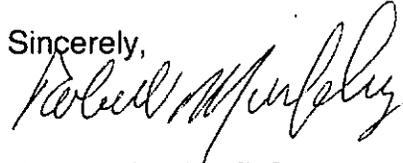
Establishment of dense vegetative cover specified in paragraph (G)(2)(a)(ii) or (G)(2)(b)(ii) of rule 3745-400-07 of the Administrative Code shall be completed within two years after ceasing to accept debris. This shall consist of complete and dense vegetative cover of healthy grasses or other vegetation established on all exposed areas of the cap system.

The contractor employed by Wells Fargo re-seeded and fertilized the cap system during the fall/winter of 2007, as requested by Ohio EPA. During my March 20, 2008, inspection of the landfill, I observed a few small areas where vegetation is either void or sparse. I would like to suggest that your contractor meet with me at GHS C&DD landfill to evaluate the vegetative cap, at which time, Ohio EPA will determine if the work performed last fall/winter is sufficient to comply with the OAC vegetation requirements.

The above cited violations will continue to accrue daily until such time as this Wells Fargo property is in substantial compliance with Ohio's C&DD regulations and law.

I am again requesting that you please respond to me in writing within (15) days and detail the actions taken by Wells Fargo to remediate the above cited violations. If you have any questions, please don't hesitate to contact me at (740) 380-5408.

Sincerely,



Robert Murphy, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management
Ohio Environmental Protection Agency
Southeast District Office

RM/jg

cc: Muskingum County Health Commissioner
Mark Mansfield, SEDO/DSIWM