



State of Ohio Environmental Protection Agency

Southeast District Office

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

April 2, 2008

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

Mr. Raymond Fluharty
701 Rock Road
Zanesville, Ohio 43701

Dear Mr. Fluharty:

Please be advised that Ohio EPA's Southeast District Office is unable to complete its review of the final closure certification report for the GHS C&DD Facility, located on Rock Road, Muskingum County. As stated in previous correspondence to you, since you are the legal property owner of a portion of the GHS C&DD Landfill, you are equally liable for closure of that portion of the facility existing on your property.

The following is the documentation that Ohio EPA's Southeast District Office still needs from you:

- 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, you continue 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, you continue to be in violation of OAC Rule 3745-400-12(E)(8).

MUSKINGUM COUNTY
FAC - GHS C&DD LANDFILL
APRIL 2, 2008
PAGE 2

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.**

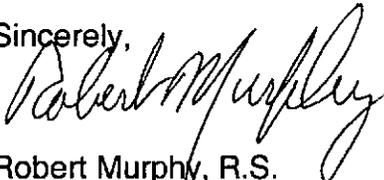
Establishment of dense vegetative cover specified in paragraph (G)(2)(a)(ii) or (G)(2)(b)(ii) of rule 3745-400-07 of the Administrative Code shall be completed within two years after ceasing to accept debris. This shall consist of complete and dense vegetative cover of healthy grasses or other vegetation 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. However, it is reasonable to wait until the beginning of this spring's growing to determine if the work performed last fall/winter is sufficient to comply with the OAC vegetation requirements.

As stated above, because you are the owner of property on which a portion of the GHS C&DD Landfill was constructed, you are responsible for compliance with facility final closure regulations. The above cited violations will continue to accrue daily until such time as your property is in substantial compliance with Ohio's C&DD regulations and law.

Please respond to me in writing within (15) days and detail your intentions and the actions taken to address 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