



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020, FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

August 5, 2010

Mr. Ralph Six
Ohio University
Purchasing & Contracting Office
HDL Center 213A
Athens, OH 45701-2979

**Re: NOTICE OF VIOLATION
Ohio University
Class II Composting Facility**

Dear Mr. Six:

On September 29, 2008, Ohio University submitted the local government financial test ("LGFT") to comply with the financial assurance requirement for a class II composting facility. Ohio University's LGFT is no longer valid as its financial information was based on the 2007 fiscal year end financial statements. The 2007 fiscal year end financial information could be used for the LGFT until June 30, 2009. The 2008 fiscal year end financial information could be used for the LGFT until June 30, 2010. At this time, the current LGFT must be based on the 2009 fiscal year end financial statements until June 30, 2011.

Pursuant to Ohio Administrative Code (OAC) Rule 3745-27-15(L)(6), a local government shall send updated information to the director not later than one hundred eighty days after the close of each succeeding fiscal year. To date, no current financial assurance mechanism meeting the requirements of OAC Rule 3745-27-15(L)(6) has been submitted to Ohio EPA. Therefore, Ohio University is in violation of 3745-27-15(L)(6) for its failure to submit an updated LGFT to Ohio EPA.

Pursuant to OAC Rule 3745-27-45(A)(8), an owner or operator of a class II composting facility shall establish and maintain financial assurance for facility closure in accordance with rule 3745-27-15 of the Administrative Code. To date, no updated financial assurance mechanism has been received by Ohio EPA for the Ohio University Class II Composting Facility. Therefore, Ohio University is in violation of OAC Rule 3745-27-45(A)(8) for its failure to maintain financial assurance for facility closure in accordance with rule 3745-27-15 of the Administrative Code.

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

Ohio EPA is an Equal Opportunity Employer

Mr. Six

Re: Ohio University's Class II Composting Facility Notice of Violation

Page 2

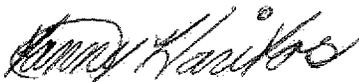
Please keep in mind that the amount of financial assurance is based on the cost of closure. At any time, if the estimated closure costs increase, the amount of financial assurance must increase accordingly. Enclosed you will find Section G of the Registration Form where the costs of closure are calculated. Please review the estimated costs and capacities to make sure that the amount of financial assurance is accurate at all times. Prior to any increases in capacity, the amount of financial assurance is required to be increased.

Please submit a written response within 15 days, detailing your intentions and actions to be taken to correct the violations noted above.

The content of this letter does not relieve the owner/operator from its obligation to comply with other applicable requirements outlined in ORC Chapter 3734, and the rules promulgated thereunder, or its obligation to comply with other applicable State and Federal laws and regulations.

If you have any questions, please contact me at (614) 728-5343.

Sincerely,



Fanny Haritos
Compliance Monitoring and Enforcement Unit
Division of Solid and Infectious Waste Management

FH/sw

cc: Composting Unit, DSIWM
Joe Holland, DSIWM, SEDO
Mike Cooper, Athens County Health Department
Steve Mack, Director of Facilities Management - Ohio University

Enclosure: Section G of the composting registration application