



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

June 1, 2012

**RE: HOLMES COUNTY LANDFILL  
GROUND WATER  
NOTICE OF VIOLATION**

**CERTIFIED MAIL 7010 3090 0000 3936 2971**

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

Dear Mr. Miller:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the following document:

***Ground Water Detection Monitoring Report December 2011 Semiannual  
Event and Revised Statistical Analysis Plan  
Holmes County SLF  
Dated March 8, 2012***

On behalf of Holmes County SLF, North Point Engineering (NPE) and HzW Environmental Consultants, LLC (HzW) prepared and submitted to the Ohio EPA, the above referenced document. The *Ground Water Detection Monitoring Report*, dated March 8, 2012, was received by Ohio EPA, Northeast District Office (NEDO), on March 9, 2012. Holmes County SLF is operating under the 2003 Revision to Ohio Administrative Code (OAC) Rule 3745-27-10, and at the time of this sampling event, in accordance with OAC Rule 3745-27-10(D), the detection monitoring program. Holmes County SLF remains in violation of OAC 3745-27-10(E)(1) requiring a ground water quality assessment monitoring program due to outstanding SSIs for potassium and sodium for monitoring well UZ-12 since January 7, 2011.

The monitoring wells were sampled by NPE on December 27-29, 2011 for Appendix I parameters 1-78. Two significant zones of saturation are monitored; the upper zone of Bedford Coal is monitored by ten wells and two piezometers, and the lower zone, shale, siltstone and sandstone, is monitored by four wells.

The VOC, 1,2-dichloroethane, was detected above the practical quantitation limit (PQL) at well LZ-2 for an initial statistically significant increase (SSI), and a re-sampling event on January 20, 2012 did not verify the original SSI, and it was determined to be a false positive likely due to laboratory error. Intrawell comparisons indicated no statistically significant exceedances, and no VOCs were detected at or above the PQL.

The following violations remain unresolved:

- 1. Holmes County SLF remains in violation of OAC 3745-27-10(E)(1) requiring a ground water quality assessment monitoring program for UZ-12. The owner or operator has failed to comply with the requirements regarding ground water quality assessment monitoring. 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. The owner or operator shall implement and comply with the ground water quality assessment plan and the requirements of this rule.**

Holmes County SLF remains in violation of OAC 3745-27-10(E)(1) requiring a ground water quality assessment monitoring program due to outstanding SSIs for potassium and sodium for monitoring well UZ-12. Detection monitoring well UZ-12 entered assessment monitoring activities on January 7, 2011. An alternate source demonstration (ASD) was submitted for monitoring well UZ-12 according to Ohio Administrative Code 3745-27-10 (E)(9)(b) dated February 16, 2012, and is discussed in a separate Interoffice Memorandum (IOM) dated April 26, 2012.

Unless the Director approves the report submitted in accordance with paragraph (E)(9)(b) of this rule for UZ-12, 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. The owner or operator shall implement and comply with the ground water quality assessment plan and the requirements of this rule.

To return to compliance with this rule, if the owner/operator does not receive Director's approval for the Ohio Administrative Code 3745-27-10(E)(9)(b) for UZ-12, the owner/operator needs to immediately submit a ground water quality assessment plan and initiate the required assessment sampling protocols, beginning with the Appendix I and II sampling at assessment well UZ-12, plus an appropriate background well. Until the time this well is approved by the Director to return to detection monitoring, it remains under assessment monitoring.

### **Evaluation of Owner or Operator's Response to Previously Cited Violations**

- 2. A revised Statistical Analysis Plan (SAP) was attached to this detection monitoring report in response to a Notice of Violation (NOV) letter dated October 25, 2011 outlining the following:**

Joe Miller, Chairman  
Holmes County Board of Commissioners  
June 1, 2012  
Page 3

*Holmes County SLF is in violation of OAC Rules 3745-27-10(C)(1) and 3745-27-10 (C)(6)(b), which require in part, the ground water monitoring program include statistical methods that are protective of human health and the environment and that are designed to ensure monitoring results that provide an accurate representation of ground water quality at the background and downgradient wells installed in accordance with paragraph (B), (D), (E), and (F) of this rule; and the owner/operator selected the use of a control chart approach that gives control limits for each constituent required to be statistically evaluated in paragraph (D)(5) of this rule. However, the owner/operator failed to recognize that the selection and use of the control chart method for volatile organic compound (VOC) data that is non-detect at various practical quantitation limits (PQLs) over time would result in unacceptably high intra-well statistical limits for routine statistical comparisons.*

In that NOV, the owner/operator was asked to revise their SAP, and in order to return to compliance with this rule, the owner/operator was asked to immediately revise their statistical analysis plan to specify that the PQL will be used as the statistical limit for the VOCs being statistically analyzed on a semiannual basis at Holmes SLF. In particular, the plan needs to state that a detection of a VOC, at or above the PQL, will be considered a statistically significant increase (SSI) and will automatically require verification resampling to confirm or refute the original SSI. This change in statistical methodology should be implemented as soon as possible, but no later than the first semiannual event of 2012.

*This change has been partially implemented on page 34 of the revised plan, and the owner/operator states, "a significant exceedance for a VOC was defined as a verified exceedance of the PQL" for this round of samples. However, the plan does not specifically state that a detection of a VOC at or above the PQL will be considered a statistically significant increase (SSI) and will automatically require verification resampling to confirm or refute the original SSI, even though this procedure was followed in the current December 2011 sampling event, and the statistical methodology was implemented. The owner/operator will remain in violation of these rules until a revised page which clearly states this methodology is submitted.*

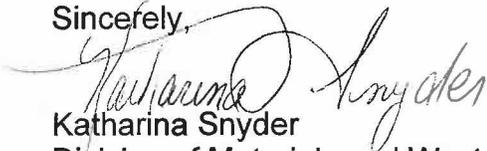
Please submit a response to this letter by July 1, 2012.

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.

Joe Miller, Chairman  
Holmes County Board of Commissioners  
June 1, 2012  
Page 4

If you have any questions, contact me at (330) 963-1257.

Sincerely,



Katharina Snyder  
Division of Materials and Waste Management

KS:cl

cc: Katherine Springer Amey, DDAGW-NEDO  
Jon Croup, Holmes County Health Department  
File: [Sowers/LAND/HOLMES/GRO/38]  
DMWM #4358