



**Environmental  
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

July 27, 2011

The Honorable Joe D. Miller  
Chairman  
Holmes County Board of Commissioners  
2 Court Street, Suite 14  
Millersburg, Ohio 44654

**RE: Notice of Violation  
Holmes County Landfill**

Dear Mr. Chairman:

Financial assurance is required to be maintained throughout the life of a solid waste facility including thirty years of post-closure care after a solid waste facility is certified closed. A review of our records shows the last Chief Financial Officer's Letter for the local government financial test on file for Holmes County Landfill was received by Ohio EPA on July 17, 2009. This was based on the 2008 fiscal year end financial statements.

**Pursuant to Ohio Administrative Code Rules 3745-27-15(L) and 3745-27-16(F)**, the financial test is required to be submitted annually within 180 days of the end of the most current fiscal year. In addition, if the local government no longer meets the requirements of the local government financial test, notice shall be sent to the director of Ohio EPA within 150 days after the end of the fiscal year.

By letter dated June 18, 2010, The Office of the Auditor of State stated that Holmes County declined to submit the Chief Financial Officer's letter to the Ohio EPA. In addition, no alternate financial assurance has been submitted to Ohio EPA as required by rule nor has Ohio EPA received notice from Holmes County Landfill stating that the County no longer meets the requirements of the local government financial test. Therefore, the Holmes County Landfill is in violation of OAC Rules 3745-27-15 and 3745-27-16 for failure to maintain financial assurance in accordance with OAC Rule 3745-27-15 and 3745-27-16.

Please respond in writing within fifteen days after receipt of this letter and indicate how you will resolve this ongoing violation. 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 owner/operator, from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or

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under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, I may be reached at (614) 728-5343.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fanny Haritos".

Fanny Haritos  
Financial Assurance & Remediation Unit  
Division of Materials and Waste Management

cc: Katharina Snyder, DMWM, NEDO  
Jon Croup, Holmes County Health Department