



State of Ohio Environmental Protection Agency

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September 7, 2010

Holmes County Commissioners  
2 Court Street, Suite 14  
Millersburg, OH 44654

And

World Resource Land Management, Inc.  
1422 East Ave.  
Erie, Pennsylvania 16503

**CERTIFIED MAIL**

**Director's Final Findings & Orders**

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

Sincerely,

Kimberly Reese  
Systems Management Unit  
Division of Solid & Infectious Waste Management

cc: Kelly Jeter, CO, DSIWM  
Jeff Hurdley, OEPA – Legal  
Lynn Sowers, NEDO, DSIWM

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

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.  
SEP -7 2010

ENTERED DIRECTOR'S JOURNAL

In the Matter Of:

Holmes County Commissioners  
2 Court Street, Suite 14  
Millersburg, Ohio 44654

And

World Resource Land Management, Inc.  
1422 East Ave.  
Erie, Pennsylvania 16503

Director's Final Findings  
and Orders

I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.

By: [Signature] Date: 9-7-10

Respondents

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Holmes County Commissioners ("Holmes County") and World Resource Land Management, Inc. ("WRLM") (collectively "Respondents") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") 3734.13 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondents and successors in interest liable under Ohio law. No change in ownership of the Respondent or the Facility (as hereinafter defined) shall in any way alter Respondents' obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734 and the rules promulgated thereunder.

#### IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Holmes County Landfill ("Facility") is located at 6601 Township Road 326, Millersburg, Holmes County, Ohio.
2. Respondent Holmes County is the "owner" of the Facility and Respondent WRLM is the "operator" of the Facility as those terms are defined in Ohio Administrative Code ("OAC") Rules 3745-27-01(O)(7) and (O)(5), respectively, and Respondent WRLM is the license holder for the Facility.
3. The Facility is a "sanitary landfill facility" as that term is defined under OAC Rule 3745-27-01(S)(4) and is authorized to accept "solid waste" as that term is defined under ORC Section 3734.01(E) and OAC Rule 3745-27-01(S)(23).
4. Each Respondent is a person as that term is defined in ORC Section 3734.01(G) and in Ohio Administrative Code ("OAC") Rule 3745-27-01(P)(3).

***Failure to comply with authorizing documents: overfill and filling out of phase***

5. On April 1, 2008, Ohio EPA received the 2007 annual operational report for the Facility. Ohio EPA reviewed this report and in correspondence dated July 25, 2008, notified Respondents of the following violations:
  - a. OAC Rule 3745-27-19(B)(2) for failure to comply with all applicable authorizing documents;
  - b. OAC Rule 3745-27-19(E)(7)(b) for filling in a new phase without completing the previous phase. Specifically it was noted that Respondents are currently operating in Phase II without having placed final cover on Phase I as required.
  - c. OAC Rule 3745-27-19(M)(1)(h) for failure to include the location of any on-site borrow areas and cover material stockpiles in the annual operational report;
  - d. OAC Rule 3745-27-19(M)(1)(i) for failure to include in the annual operational report a comparison of the actual vertical and horizontal limits of waste placement to the authorized limits of waste placement. Ohio EPA also noted that it appears that the current topography exceeds the limits of waste placement in the southeast corner of the landfill. (Emphasis added)
  - e. OAC Rule 3745-27-19(M)(6) for failure to include itemized cost estimates for closure and post-care of the Facility in the annual operational report.

6. On November 7, 2008, Ohio EPA received correspondence from Respondent Holmes County dated October 29, 2008, stating that Respondent Holmes County has reason to believe that the Facility has reached its maximum height on Phase II and that a survey of the Facility would be conducted.
7. On November 14, 2008, Holmes County General Health District ("HCHD") received a copy of a survey report that confirmed that the current elevations of solid waste placement in Phase II of the Facility exceed the vertical limits of solid waste placement depicted in the July 16, 1998, Permit to Install No. 02-98-18 ("PTI"). Subsequently, in correspondence dated November 20, 2008, HCHD notified Respondents they were in violation of OAC Rule 3745-27-19(B)(2) for failure to construct the Facility in accordance with all applicable authorizing documents.
8. On November 21, 2008, the Holmes County Board of Health ("Board of Health") issued Findings and Orders ("Board Orders") to Respondent WRLM stating, in part, the following:
  - a. A recent survey report demonstrates that the site is filled beyond the height limitations established by the authorizing document in violation of OAC Rule 3745-27-19(B)(2);
  - b. Daily cover is not applied by the end of each working day in violation of OAC Rule 3745-27-19(F);
  - c. Respondent WRLM is ordered to correct the violations noted above through the following actions:
    - i. Cease acceptance of waste at the Facility for thirty days and until the following actions have taken place:
      1. All exposed waste is covered in a manner consistent with OAC Rule 3745-27-19;
      2. The over height violation is corrected by either removing the waste to another facility, or identifying locations in Phase II that are under height, and moving the offending waste to that location.
    - ii. Provide documentation verifying that all elevations of the landfill are consistent with the authorizing document.

HCHD copied Respondent Holmes County Commissioners on the November 21, 2008 Board Orders.

9. On December 23, 2008 HCHD conducted an inspection of the Facility. In correspondence dated December 30, 2008, HCHD notified Respondent WRLM it was in violation of the November 21, 2008, Board Orders for failure to provide cover at the Facility in a manner consistent with OAC 3745-27-19 and failure to correct the over height violation. HCHD copied Respondent Holmes County Commissioners on the December 23, 2008, correspondence.
10. In correspondence dated January 5, 2009, the Holmes County Health Commissioner notified Respondent WRLM that the Holmes County Board of Health has proposed denial of the Facility's 2009 operating license due to non-compliance with the November 21, 2008, Board Orders and the Ohio Revised Code as it pertains to the maintenance and operation of the Facility. HCHD copied Respondent Holmes County Commissioners on the January 5, 2009 correspondence.

***Construction of Phase III Perimeter Berm***

11. By correspondence dated May 16, 2008, Respondents submitted a report titled "*Construction Certification Report, Phase 3 Landfill Perimeter Berm.*" This report was intended to document the construction of the Phase III Landfill Perimeter Berm along with Access Roadway C and Perimeter Drainage Channel 4 for the Facility. Ohio EPA reviewed the report and in correspondence dated December 3, 2008, notified Respondents that Ohio EPA could not concur with the report because of the following deficiencies:
  - a. The quality control assurance ("QCA") consultant for the Facility did not observe the construction of the perimeter berm and therefore did not fulfill the obligations outlined in PTI No. 02-9818, Appendix XII, the Construction Quality Assurance/ Quality Control Plan ("QA/QC") for the Facility. Per the QA/QC Plan, the QCA Consultant is responsible for *observing* and *accurately* documenting all activities related to permit documents, design plans, and technical specifications to ensure that any construction is done in accordance with the PTI. However, the report indicates that the QCA Consultant was not present during construction at the Facility. Additionally, the daily summary reports submitted to document construction activities at the Facility were not consistently prepared during construction, and those that were prepared, contained conflicting information.
  - b. Lifts of the perimeter berm were not tested to determine if they meet the compaction specifications as required by the QA/QC plan;
  - c. The report did not contain the results of all testing required by OAC Rule 3745-27-08(H)(3). Specifically, the results of failing tests were not included in the report;

- d. The report appears to indicate that not all of the soil material utilized for berm construction was the same material characterized by preconstruction samples SF-7 and SF-8 of the borrow area. Specifically, the following statements were made in the report, "The soil material used for Phase III berm structural fill construction was *primarily* mine spoil obtained from the eastern portion of the site in an active borrow area;" and "Structural fill materials were excavated from surrounding borrow *sources* using a trackhoe." (Emphasis added)
- e. Per the PTI, a portion of Perimeter Drainage Channel 4 is to be lined with erosion control net, however the report does not contain any details of the construction of the drainage channel and does not indicate whether the erosion net was installed;
- f. A summary of how construction was impacted by weather and equipment limitations and other difficulties was not included in the report as required by OAC Rule 3745-27-08(H)(1)(b);
- g. The report did not contain a description of the qualifications of the testing personnel as required by OAC Rule 3745-27-08(H)(7).

#### ***General Operational Violations***

12. Ohio EPA conducted an inspection of the Facility on August 11, 2005. In correspondence dated September 23, 2005, Ohio EPA notified Respondents of the following violations:
  - a. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - b. OAC Rule 3745-27-19(G)(1) for failure to apply adequate intermediate cover;
  - c. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - d. OAC Rule 3745-27-19(E)(7)(a) for failure to comply with all applicable requirements for management of surface water runoff prior to accepting waste;
  - e. OAC Rule 3745-27-19(J)(1) for failure to ensure that surface water is diverted from areas where solid waste is being deposited;
  - f. OAC Rule 3745-27-19(J)(3) for failure to take all actions necessary to correct the conditions causing ponding or erosion. Specifically, Ohio EPA noted that areas of ponding and erosion were observed over most of the Facility;



- c. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - d. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding and erosion. HCHD noted that ponding and erosion were observed in several areas throughout the Facility;
  - e. OAC Rule 3745-27-19(J)(1) for failure to ensure that surface water is being diverted from areas of waste placement. Specifically, at the time of the inspection, surface water was pooling in the ditches and not flowing to the sediment pond.
14. HCHD conducted an inspection of the Facility on January 30, 2006. In correspondence dated February 3, 2006, HCHD notified Respondent WRLM of the following violations:
- a. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, 100 feet of surface water diversion ditches on the southeast corner of the Facility are eroded;
  - b. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - c. OAC Rule 3745-27-19(E)(3)(b) for failure to ensure that operable equipment of adequate size and quantity for the operations of the Facility are available at all times. At the time of the inspection employees were attempting to compact the waste at the Facility with a bulldozer as the compactor for the Facility was inoperable.
  - d. OAC Rule 3745-27-19(E)(7)(e) for failure to deposit all solid waste at the working face. Specifically, fly ash was observed deposited along the access road to the Facility;
  - e. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - f. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - g. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion.
  - h. OAC Rule 3745-27-19(J)(1) for failure to ensure that surface water is being diverted from areas of waste placement. Specifically, surface water was pooling in the ditches and not flowing to the sediment pond.

15. HCHD conducted an inspection of the Facility on February 28, 2006. In correspondence dated March 2, 2006, HCHD notified Respondent WRLM of the following violations:
  - a. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, 100 feet of surface water diversion ditches on the southeast corner of the Facility are eroded;
  - b. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - c. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - d. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - e. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion.
  
16. HCHD conducted an inspection of the Facility on March 29, 2006. In correspondence dated April 3, 2006, HCHD notified Respondent WRLM of the following violations:
  - a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval. Specifically, the following documents were missing from the operating record:
    - i. Financial assurance closure and post closure updates from 1995 through 2002, as required by OAC Rule 3745-27-09(I)(2)(b);
    - ii. Revised design specifications for the surface water control system as required by OAC Rule 3745-27-09(I)(2)(g);
    - iii. Annual operational report for 2003 as required by OAC Rule 3745-27-09(I)(6);
    - iv. PCB and hazardous waste prevention program waste screening inspection reports from June 1, 2005 and thereafter, required by OAC Rule 3745-27-09(I)(7);
    - v. Groundwater detection analysis results required by OAC Rule 3745-27-09(I)(10);
  - b. OAC 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, 100 feet of surface water diversion ditches on the southeast corner of the Facility are eroded;
  - c. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;

- d. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - e. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion.
  - f. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
17. HCHD conducted an inspection of the Facility on April 27, 2006. In correspondence dated May 3, 2006, HCHD notified Respondent WRLM of the following violations:
- a. OAC 3745-27-19(E)(2)(a) for failure to maintain access roads to the Facility in a manner that minimizes the generation of dust;
  - b. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - c. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - d. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion.
  - e. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
18. HCHD conducted an inspection of the Facility on May 31, 2006. In correspondence dated June 2, 2006, HCHD notified Respondent WRLM of the following violations:
- a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval. Specifically the following documents were missing from the operating record:
    - i. Financial assurance closure and post closure updates from 1995 through 2002, as required by OAC Rule 3745-27-09(I)(2)(b);
    - ii. Revised design specifications for the surface water control system as required by OAC Rule 3745-27-09(I)(2)(g);
    - iii. Annual operational report for 2003 as required by OAC Rule 3745-27-09(I)(6);
    - iv. The 2002 Facility Operating License as required by OAC 3745-27-09(I)(15);
  - b. OAC Rule 3745-27-19(E)(2)(a) for failure to maintain the access roads at the Facility to minimize the generation of dust;

- c. OAC Rule 3745-27-19(E)(7)(f)(ii) for failure to ensure that dusty materials are handled, compacted, and covered in a manner that minimizes the amount of dust generated by those materials;
  - d. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - e. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - f. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - g. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion and ponding.
  - h. OAC Rules 3745-27-19(K)(1)(a),(b) and (c) for failure to repair, contain and properly manage leachate outbreaks at the Facility;
  - i. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
19. HCHD conducted an inspection of the Facility on June 30, 2006. In correspondence dated July 3, 2006, HCHD notified Respondent WRLM of the following violations:
- a. OAC Rule 3745-27-19(E)(2)(a) for failure to maintain the access roads at the Facility to minimize the generation of dust;
  - b. OAC Rule 3745-27-19(E)(7)(f)(ii) for failure to ensure that dusty materials are handled, compacted, and covered in a manner that minimizes the amount of dust generated by those materials.
  - c. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - d. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - e. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - f. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion and ponding;
  - g. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
20. HCHD conducted an inspection of the Facility on July 31, 2006. In correspondence dated August 1, 2006, HCHD notified Respondent WRLM of the following violations:
- a. OAC Rule 3745-27-19(E)(2)(a) for failure to maintain the access roads at the Facility to minimize the generation of dust;

- b. OAC Rule 3745-27-19(E)(7)(f)(ii) for failure to ensure that dusty materials are handled, compacted, and covered in a manner that minimizes the amount of dust generated by those materials.
  - c. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - d. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - e. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion;
  - f. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
21. HCHD conducted an inspection of the Facility on August 31, 2006. In correspondence dated September 5, 2006, HCHD notified Respondent WRLM of the following violations:
- a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval, Specifically the following documents were missing from the operating record:
    - i. Financial assurance closure and post closure updates from 1995 through 2002, as required by OAC Rule 3745-27-09(I)(2)(b);
    - ii. Revised design specifications for the surface water control system as required by OAC Rule 3745-27-09(I)(2)(g);
    - iii. Annual operational report for 2003 as required by OAC Rule 3745-27-09(I)(6);
    - iv. The 2002 Facility Operating License as required by OAC 3745-27-09(I)(15);
  - b. OAC Rule 3745-27-19(E)(2)(a) for failure to maintain the access roads at the Facility to minimize the generation of dust;
  - c. OAC Rule 3745-27-19(E)(7)(f)(ii) for failure to ensure that dusty materials are handled, compacted, and covered in a manner that minimizes the amount of dust generated by those materials;
  - d. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - e. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;

- f. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion;
  - g. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
22. HCHD conducted an inspection of the Facility on November 20, 2006. In correspondence dated December 1, 2006, HCHD notified Respondent WRLM of the following violations:
- a. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - b. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - c. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing erosion;
  - d. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
23. HCHD conducted an inspection of the Facility on December 12, 2006. In correspondence dated December 12, 2006, HCHD notified Respondent WRLM of the following violations:
- a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval. Specifically the following documents were missing from the operating record:
    - i. Financial assurance closure and post closure updates from 1995 through 2002, as required by OAC Rule 3745-27-09(I)(2)(b);
    - ii. Annual operational report for 2003 as required by OAC Rule 3745-27-09(I)(6);
    - iii. The 2002 Facility Operating License as required by OAC Rule 3745-27-09(I)(15);
  - b. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically the perimeter roadway along the east and south sides of the Facility is rutted and severely eroded;
  - c. OAC Rule 3745-27-19(E)(2)(a) for failure to maintain the access roads at the Facility to minimize the generation of dust;
  - d. OAC Rule 3745-27-19(E)(7)(f)(ii) for failure to ensure that dusty materials are handled, compacted, and covered in a manner that minimizes the amount of dust generated by those materials;

- e. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter;
  - f. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - g. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - h. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding and erosion;
  - i. OAC Rules 3745-27-19(K)(1)(a),(b) and (c) for failure to repair, contain and properly manage leachate outbreaks at the Facility;
  - j. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
24. On January 29, 2007, HCHD conducted an inspection of the Facility. In correspondence dated February 7, 2007, HCHD notified Respondent WRLM of the following violations:
- a. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, HCHD noted that the perimeter roadway along the east and south sides of the Facility is rutted and severely eroded;
  - b. OAC Rule 3745-27-19(E)(9) for failure to contain scattered litter. Additionally HCHD stated that this violation has been noted during each inspection over the previous 12 months with little or no progress observed, and further requested that Respondent WRLM submit a plan of action to control the scattered litter;
  - c. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - d. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - e. OAC Rule 3745-27-60(B) for improper storage of scrap tires.
25. On March 21, 2007, HCHD conducted an inspection of the Facility. In correspondence dated March 23, 2007, HCHD notified Respondents of the following violations:
- a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval, Specifically the following documents were missing from the operating record:

- i. Financial assurance closure and post closure updates from 1995 through 2002, and 2005, as required by OAC Rule 3745-27-09(I)(2)(b);
  - ii. General Site Plan from Annual Landfill Report 1993 as required by OAC Rule 3745-27-09(I)(4);
  - iii. Annual Operational report for 2005 as required by OAC Rule 3745-27-09(I)(6);
  - iv. Revised PCB and Hazardous Waste Detection and Prevention Program as required by OAC Rule 3745-27-09(I)(7);
  - v. 2002 Facility Operating License as required by OAC Rule 3745-27-09-(I)(15);
- b. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, HCHD noted that the perimeter roadway along the east and south sides of the Facility needs additional maintenance, and surface water ditches leading to Sedimentation Pond 2 continue to severely erode;
- c. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures to contain scattered litter. Additionally HCHD stated that this violation has been noted during each inspection over the previous 13 months with little or no progress observed;
- d. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover. HCHD noted that fly ash is being used at the Facility in lieu of soil for daily cover and that Respondents do not have written approval from the Director of Ohio EPA to use an alternate daily cover. HCHD further informed Respondents that the fly ash is not permitted to be used for daily cover and this practice should cease immediately. Additionally it was noted that exposed solid waste was observed on the southeast and southwest sides of the current working face.
- e. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
- f. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding and erosion;
- g. OAC 3745-27-19(K)(1) for failure to repair all leachate outbreaks at the Facility;
- h. OAC Rule 3745-27-60(B) for improper storage of scrap tires.

26. HCHD conducted an inspection of the Facility on April 30, 2007. In correspondence dated May 3, 2007, HCHD notified Respondents of the following violations:
  - a. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, HCHD noted that the perimeter roadway along the east and south sides of the Facility needs additional maintenance;
  - b. OAC 3745-27-19(E)(2)(a) for failure to maintain the access roads at the Facility to minimize the generation of dust;
  - c. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures to contain scattered litter;
  - d. OAC Rule 3745-27-19(E)(11)(a) for failure to document the results of daily inspections for leachate outbreaks, ponding, and erosion at the Facility and include the documentation in the operating record;
  - e. OAC Rule 3745-27-19(E)(11)(b) for failure to document the results of weekly inspections of the sedimentation ponds and sedimentation discharge structures and include the documentation, as well as a discussion of any corrective actions taken to address problems with the sedimentation ponds and sedimentation discharge structures in the operating record;
  - f. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover;
  - g. OAC Rule 3745-27-19(G)(4) for failure to protect the intermediate cover from erosion;
  - h. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding and erosion;
  - i. OAC Rule 3745-27-19(K)(1) for failure to repair leachate outbreaks at the Facility.
27. HCHD conducted an inspection of the Facility on May 15, 2007. In correspondence dated May 23, 2007, HCHD notified Respondents that the violations noted during the previous inspection had been addressed.
28. HCHD conducted an inspection of the Facility on October 31, 2007. In correspondence dated November 2, 2007, HCHD notified Respondents of the following violations:
  - a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval. Specifically the following documents were missing from the operating record:

- i. Financial assurance closure and post closure updates from 1995 through 2002, as required by OAC Rule 3745-27-09(I)(2)(b);
  - ii. General Site Plan from Annual Landfill Report 1993 as required by OAC Rule 3745-27-09(I)(4);
  - iii. Revised Design Specifications for the Surface Water Control System as required by OAC Rule 3745-27-09(I)(2)(G);
  - iv. Surface Water PTI No. 583080 for Sedimentation Basin No. 3 as required by OAC Rule 3745-27-09(I)(14).
29. HCHD conducted an inspection of the Facility on December 11, 2007. In correspondence dated December 13, 2007, HCHD notified Respondents of the following violations:
  - a. OAC Rule 3745-27-09(G) for removing documents from the operating record without prior written approval. Specifically the following documents were missing from the operating record:
    - i. Financial assurance closure and post closure updates from 1995 through 2002, as required by OAC Rule 3745-27-09(I)(2)(b);
    - ii. Revised Design Specifications for the Surface Water Control System as required by OAC Rule 3745-27-09(I)(2)(G);
    - iii. Revised PCB and Hazardous Waste Detection and Prevention Program as required by OAC Rule 3745-27-09(I)(7);
    - iv. Surface Water PTI No. 583080 for Sedimentation Basin No. 3 as required by OAC Rule 3745-27-09(I)(14);
    - v. General Site Plan from Annual Landfill Report 1993 as required by OAC Rule 3745-27-09(I)(4).
30. HCHD conducted an inspection of the Facility on January 23, 2008. In correspondence dated January 23, 2008, HCHD notified Respondents they were in violation of OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures to contain scattered litter. Specifically it was noted that a large accumulation of litter was observed between the current working area and the woods to the north of the Facility.
31. HCHD conducted an inspection of the Facility on February 11, 2008. In correspondence dated February 20, 2008, HCHD notified Respondents of the following violations:

- a. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures to contain scattered litter. Specifically HCHD noted that a large accumulation of litter was observed between the current working area and the woods to the north of the Facility.
  - b. OAC Rule 3745-27-19(F) for failure to apply daily cover. Specifically HCHD noted that seams of exposed solid waste were observed west of the current working area.
32. HCHD conducted inspections of the Facility on March 25, 2008, and March 31, 2008. In correspondence dated April 18, 2008, HCHD notified Respondents of the following violations:
  - a. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures contain scattered litter. Specifically, HCHD noted that a large accumulation of litter was observed between the current working area and the woods to the north of the Facility during the March 25, 2008 inspection and that the litter had not been addressed as of the follow-up inspection on March 31, 2008;
  - b. OAC Rule 3745-27-19(F) for failure to apply daily cover. Specifically, HCHD noted that seams of exposed solid waste were observed on the side slopes north and south of the current working area and that no action had been taken to address the exposed waste as of the follow-up inspection on March 31, 2008;
  - c. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding. Specifically, HCHD noted that ponding of surface water was observed throughout the Facility during the March 25, 2008 inspection and that no action had been taken to address the ponding as of the inspection on March 31, 2008;
  - d. OAC Rule 3745-27-19(K)(1) for failure to manage and repair leachate outbreaks. Specifically, HCHD noted that leachate outbreaks were observed in several areas of the Facility and that leachate from the majority of the outbreaks was migrating to the surface water diversion ditches leading to sediment ponds located in the southwest and west portions of the Facility. As of the inspection on March 31, 2008, leachate outbreaks had been addressed on the western most side slope of the Facility, but leachate outbreaks on the southwest, west and east side slopes were continuing to migrate into surface water diversion ditches.
33. HCHD conducted an inspection of the Facility on May 15, 2008. In correspondence dated May 30, 2008, HCHD notified Respondents of the following violations:

- a. OAC Rule 3745-27-05(C) for open dumping of solid waste. Specifically it was noted that several uncovered roll-off containers had been stored at the Facility in excess of the seven days allowed by OAC Rule 3745-27-03(A)(2). OAC Rule 3745-27-03(A)(2) specifically states that, "...temporary storage of putrescible solid wastes in excess of seven days, or temporary storage of any solid wastes where such storage causes a nuisance or health hazard in the judgment of the health commissioner or the director or their authorized representative shall be considered open dumping."
- b. OAC Rules 3745-27-09(B)(2), and 3745-27-09(F) for failure to update the operating record and submit copies of all new documents or revisions to existing documents into the operating record;
- c. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, HCHD noted that the surface water diversion ditches on the east and south sides of the Facility are in disrepair and are not conveying surface water to sedimentation ponds No.1 and No. 2 as required;
- d. OAC Rule 3745-27-19(E)(2)(a) for failure to maintain all-weather access roads to allow passage of refuse vehicles at all times. Specifically, HCHD noted that the access road at the Facility is impassable to the refuse trucks due to muddy conditions and that refuse trucks have been pulled through the mud to reach the disposal area causing ruts deep enough to expose solid waste;
- e. OAC Rule 3745-27-19(E)(3)(b) for failure to ensure that adequate equipment is available for the operation of the Facility. Specifically it was noted that several items of equipment ( bulldozer, excavator, roller etc.) are broken and there is not enough operable equipment at the Facility to maintain daily operation of the Facility and Facility construction simultaneously;
- f. OAC Rule 3745-27-19(E)(6) for failure to ensure that adequate preparations have been made to ensure that waste is able to be received, compacted, and covered during inclement weather. Specifically earth material had not been stored in sufficient quantities to ensure adequate cover material on a daily basis;
- g. OAC Rule 3745-27-19(E)(7)(c) for failure to confine the unloading of waste to the smallest practical area. Specifically, HCHD noted that waste had been off-loaded in areas other than the working area.

- h. OAC Rule 3745-27-19(E)(7)(e) for failure to ensure that all waste accepted at the Facility is deposited in the working face, spread in layers not more than two feet thick, and compacted to the smallest practical volume. Specifically, two large piles of concrete with rebar were observed to have been disposed without being compacted or covered and solid waste was visible in the void spaces beneath the concrete;
  - i. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures contain scattered litter. Specifically, HCHD noted that a large accumulation of scattered litter was observed on the ground northwest of the maintenance building in addition to litter being tracked onto township road 326 by the refuse trucks.
  - j. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover. Specifically, HCHD noted that seams of exposed waste were observed on the side slopes north, south, and west of the current working areas and no daily cover was applied in the immediate proximity to the working area.
  - k. OAC Rule 3745-27-19(G) for failure to protect the intermediate cover from erosion. Specifically, HCHD noted that vegetative cover in several areas is sparse or lacking and erosion has occurred in several areas throughout the Facility;
  - l. OAC Rule 3745-27-19(J)(1) for failure to divert surface water from areas of the Facility where waste is being, or has been disposed;
  - m. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding or erosion. Specifically, HCHD noted that ponding was occurring in several areas throughout the Facility;
  - n. OAC Rule 3745-27-19(K)(1) for failure to repair leachate outbreaks and take action to contain, manage, collect and properly dispose of all leachate and address the conditions which contribute to the production of the leachate. Specifically, HCHD noted that leachate outbreaks were occurring in several areas of the Facility and that a large pool of leachate was observed in the surface water diversion ditch south of the current working face;
  - o. OAC Rule 3745-27-60(B) for failure to store scrap tires appropriately.
34. On May 20, 2008, the Board of Health issued orders to Respondent WRLM requiring, in part, that the Facility cease acceptance of waste for a minimum of seven days, and until all violations have been addressed. Additionally the May 20, 2008, orders required Respondent WRLM to submit plans outlining the steps Respondent WRLM would take to ensure that the Facility is operating in compliance.

35. HCHD conducted an inspection of the Facility on June 13, 2008. In correspondence dated June 25, 2008, HCHD notified Respondents of the following violations:
- a. OAC Rule 3745-27-09(B)(2) for failure to maintain the operating record for the Facility;
  - b. OAC Rule 3745-27-09(D) for failure to submit documents into the operating record;
  - c. OAC Rule 3745-27-09(F) for failure to update the operating record prior to April 1, 2008.
  - d. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility. Specifically, HCHD noted that although an attempt had been made to clear culvert No. 2 of sediment, ponding of surface water is still occurring on the north side of the Facility access road;
  - e. OAC Rule 3745-27-19(E)(2)(a) for failure to maintain access roads at the Facility in a manner that minimizes dust generation.
  - f. OAC Rule 3745-27-19(E)(6) for failure to ensure that adequate preparations have been made so that the Facility can receive, compact, and cover waste during inclement weather. Specifically, HCHD noted that soil has not been stored in sufficient quantities to assure adequate cover on a daily basis;
  - g. OAC Rule 3745-27-19(E)(7)(c) for failure to confine unloading of waste to the smallest practical area. Specifically, HCHD noted that waste had been off-loaded in several areas throughout the Facility.
  - h. OAC Rule 3745-27-19(E)(7)(e) for failure to ensure that all waste admitted to the Facility is deposited at the working face, spread in layers not more than two feet thick and compacted to the smallest practical volume;
  - i. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures contain scattered litter. Specifically scattered litter was observed north of the current working area and along the northern boundary of the Facility.
  - j. OAC Rule 3745-27-19(E)(11)(a) for failure to document the results of daily inspections for leachate outbreaks, ponding, and erosion at the Facility and include the documentation in the operating record;

- k. OAC Rule 3745-27-19(E)(11)(b) for failure to document the results of weekly inspections of the sedimentation ponds and sedimentation discharge structures and include the documentation, as well a discussion of any corrective actions taken to address and problems with the sedimentation ponds and sedimentation discharge structures in the operating record;
  - l. OAC Rule 3745-27-19(G) for failure to protect the intermediate cover from erosion. Specifically, HCHD noted that vegetative cover in several areas is sparse or lacking and erosion has occurred in several areas throughout the Facility;
  - m. OAC Rule 3745-27-19(J)(1) for failure to divert surface water from areas where solid waste is being and has been disposed;
  - n. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding;
  - o. OAC Rule 3745-27-19(K)(1) for failure to manage and repair leachate outbreaks. Specifically, HCHD noted that leachate outbreaks were observed in several areas at the southwest corner of the Facility and that leachate from these outbreaks was flowing across the ground toward the surface water diversion ditches leading to sediment pond No. 2.
36. In correspondence dated June 30, 2008, the Holmes County Health Commissioner, on behalf of the Board of Health, informed Respondent WRLM that it was in violation of the May 20, 2008, Board of Health orders. Specifically, WRLM had failed to pump the sedimentation pond and dispose of the contents at a waste water treatment facility.
37. HCHD conducted an inspection of the Facility on July 31, 2008. In correspondence dated August 1, 2008, HCHD notified Respondents of the following violations:
- a. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures contain scattered litter. Specifically scattered litter was observed on the ground south of the current working area and along the southern boundary of the Facility;
  - b. OAC Rule 3745-27-19(E)(11)(a) for failure to document the results of daily inspections for leachate outbreaks, ponding, and erosion at the Facility and include the documentation in the operating record;

- c. OAC Rule 3745-27-19(E)(11)(b) for failure to document the results of weekly inspections of the sedimentation ponds and sedimentation discharge structures and include the documentation, as well as a discussion of any corrective actions taken to address any problems with the sedimentation ponds and sedimentation discharge structures in the operating record;
  - d. OAC Rule 3745-27-19(G) for failure to protect the intermediate cover from erosion. Specifically, HCHD noted that vegetative cover in several areas is sparse or lacking and erosion has occurred in several areas throughout the Facility;
  - e. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding.
38. HCHD conducted an inspection of the Facility on August 21, 2008. In correspondence dated August 27, 2008, HCHD notified Respondents of the following violations:
- a. OAC Rule 3745-27-19 (E)(2)(a) for failure to maintain access roads at the Facility in a manner that minimizes dust generation.
  - b. OAC Rule 3745-27-19(E)(11)(a) for failure to document the results of daily inspections for leachate outbreaks, ponding, and erosion at the Facility and include the documentation in the operating record;
  - c. OAC Rule 3745-27-19(E)(11)(b) for failure to document the results of weekly inspections of the sedimentation ponds and sedimentation discharge structures and include the documentation, as well a discussion of any corrective actions taken to address and problems with the sedimentation ponds and sedimentation discharge structures in the operating record;
  - d. OAC Rule 3745-27-19(G) for failure to protect the intermediate cover from erosion. Specifically, HCHD noted that vegetative cover in several areas is sparse or lacking and erosion has occurred in several areas throughout the Facility.
39. HCHD conducted an inspection of the Facility on September 26, 2008. In correspondence dated September 30, 2008, HCHD notified Respondents of the following violations:
- a. OAC Rule 3745-27-09(B)(2) for failure to maintain the operating record for the Facility;
  - b. OAC Rule 3745-27-09(D) for failure to submit documents into the operating record;

- c. OAC Rule 3745-27-09(F) for failure to update the operating record prior to April 1, 2008.
  - d. OAC Rule 3745-27-19 (E)(2)(a) for failure to maintain access roads at the Facility in a manner that minimizes dust generation.
  - e. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures contain scattered litter. Specifically scattered litter was observed on the ground south of the current working area and along the southern boundary of the Facility;
  - f. OAC Rule 3745-27-19(E)(11)(a) for failure to document the results of daily inspections for leachate outbreaks, ponding, and erosion at the Facility and include the documentation in the operating record;
  - g. OAC Rule 3745-27-19(E)(11)(b) for failure to document the results of weekly inspections of the sedimentation ponds and sedimentation discharge structures and include the documentation, as well a discussion of any corrective actions taken to address and problems with the sedimentation ponds and sedimentation discharge structures in the operating record;
  - h. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover. Specifically, HCHD noted that seems of exposed waste were observed on the side slopes north, south, and west of the current working area;
  - i. OAC Rule 3745-27-19(G) for failure to protect the intermediate cover from erosion. Specifically, HCHD noted that vegetative cover in several areas is sparse or lacking and erosion has occurred in several areas throughout the Facility;
  - j. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding. Specifically it was noted that ponding was occurring in areas north of the current working face and south of the northern most perimeter access road.
40. HCHD conducted an inspection of the Facility on October 10, 2008. In correspondence dated November 10, 2008, HCHD notified Respondents of the following violations:
- a. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures contain scattered litter. Specifically scattered litter was observed on the ground south of the current working area and along the southern boundary of the Facility;

- b. OAC Rule 3745-27-19(E)(11)(a) for failure to document the results of daily inspections for leachate outbreaks, ponding, and erosion at the Facility and include the documentation in the operating record;
  - c. OAC Rule 3745-27-19(E)(11)(b) for failure to document the results of weekly inspections of the sedimentation ponds and sedimentation discharge structures and include the documentation, as well as a discussion of any corrective actions taken to address any problems with the sedimentation ponds and sedimentation discharge structures in the operating record;
  - d. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover. Specifically, HCHD noted that seams of exposed waste were observed on the side slopes north, south, and west of the current working area;
  - e. OAC Rule 3745-27-19(G) for failure to protect the intermediate cover from erosion. Specifically, HCHD noted that vegetative cover in several areas is sparse or lacking and erosion has occurred in several areas throughout the Facility;
  - f. OAC Rule 3745-27-19(J)(3) for failure to undertake necessary actions to correct the conditions causing ponding. Specifically, HCHD noted that ponding was occurring in areas north of the current working face and south of the northern most perimeter access road.
  - g. Additionally, HCHD informed Respondents that the violations noted above were also observed on the previous inspection of September 26, 2008, and that it appears that no corrective actions have been taken by the on-site personnel to address the ongoing violations.
41. HCHD conducted inspections of the Facility on November 14, 2008, and November 17, 2008. In correspondence dated November 20, 2008, HCHD notified Respondents of the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste. Specifically it was noted that several uncovered roll-off containers had been stored at the Facility in excess of the seven days allowed by OAC Rule 3745-27-03(A)(2). OAC Rule 3745-27-03(A)(2) specifically states that, "...temporary storage of putrescible solid wastes in excess of seven days, or temporary storage of any solid wastes where such storage causes a nuisance or health hazard in the judgment of the health commissioner or the director or their authorized representative shall be considered open dumping;"

- b. OAC Rule 3745-27-19(B)(2) for failure to construct the Facility in accordance with all the applicable authorizing documents. Specifically, exceeding the vertical limits of solid waste placement depicted in the PTI (as noted in Finding No. 7);
- c. OAC Rule 3745-27-19(E)(3)(b) for failure to ensure that operable equipment of adequate size and quantity for the operations of the Facility are available at all times. Specifically, HCHD noted that the CAT D250 Rock Truck was not in operation and was split into two pieces at the point of articulation. Further the on-site Facility manager stated that this piece of equipment had been out of operation for some time. In the interim the Facility personnel were attempting to haul soil cover material to the working area in a roll-off container placed on the back of a semi truck. Additionally, HCHD noted that the CAT D9 bulldozer is the only bulldozer available for grading and applying daily cover at the Facility, and that this piece of equipment is too large to adequately apply cover to the side slopes of the Facility, causing solid waste to be left left exposed on the side slopes of Phase II;
- d. OAC Rule 3745-27-19(E)(7)(c) for failure to confine unloading of waste to the smallest practical area. Specifically, HCHD noted that waste had been off-loaded adjacent to the roll off containers located northeast of the current working area;
- e. OAC Rule 3745-27-19(E)(7)(e) for failure to ensure that all waste admitted to the Facility is deposited at the working face, spread in layers not more than two feet thick and compacted to the smallest practical volume;
- f. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures contain scattered litter. Specifically scattered litter was observed north and south of the current working area and along the northern and southern boundaries of the Facility;
- g. OAC Rule 3745-27-19(E)(11)(a) for failure to document the results of daily inspections for leachate outbreaks, ponding, and erosion at the Facility and include the documentation in the operating record;
- h. OAC Rule 3745-27-19(E)(11)(b) for failure to document the results of weekly inspections of the sedimentation ponds and sedimentation discharge structures and include the documentation, as well as a discussion of any corrective actions taken to address problems with the sedimentation ponds and sedimentation discharge structures in the operating record;

- i. OAC Rule 3745-27-19(G) for failure to protect the intermediate cover from erosion. Specifically, HCHD noted that vegetative cover in several areas is sparse or lacking and erosion has occurred in several areas throughout the Facility;
  - j. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover. Specifically, exposed waste was observed on the side slopes north, south, and west of the current working area;
  - k. OAC 3745-27-19(J)(3) for failure to correct the conditions causing ponding or erosion. Specifically, ponding was noted in areas north of the current working area and south of the northern most perimeter access road;
  - l. Additionally, HCHD informed Respondents that many of the violations noted above were also observed on the previous inspection of October 10, 2008, and that it appears that no corrective actions have been taken by the on-site personnel to address the ongoing violations.
42. HCHD conducted an inspection of the Facility on December 23, 2008. In correspondence dated December 31, 2008, HCHD notified Respondents of the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste. Specifically it was noted that several uncovered roll-off containers had been stored at the Facility in excess of the seven days allowed by OAC Rule 3745-27-03(A)(2). OAC Rule 3745-27-03(A)(2) specifically states that, "...temporary storage of putrescible solid wastes in excess of seven days, or temporary storage of any solid wastes where such storage causes a nuisance or health hazard in the judgment of the health commissioner or the director or their authorized representative shall be considered open dumping."
  - b. OAC Rule 3745-27-19(B)(2) for failure to construct the Facility in accordance with all the applicable authorizing documents. Specifically, exceeding the vertical limits of solid waste placement depicted in the PTI (as noted in Finding No. 7);
  - c. OAC Rule 3745-27-09(D) for failure to submit documents into the operating record;
  - d. OAC Rule 3745-27-09(F) for failure to update the operating record prior to April 1, 2008;
  - e. OAC Rule 3745-27-19(E)(1)(c) for failure to maintain the integrity of the engineered components of the Facility;

- f. OAC Rule 3745-27-19 (E)(2)(a) for failure to maintain access roads at the Facility in a manner that minimizes dust generation;
- g. OAC Rule 3745-27-19(E)(3)(b) for failure to ensure that operable equipment of adequate size and quantity for the operations of the Facility are available at all times. Specifically, the CAT D250 Rock Truck was still not in operation and the CAT D9 bulldozer is still the only bulldozer available for grading and applying daily cover at the Facility;
- h. OAC Rule 3745-27-19(E)(7)(c) for failure to confine unloading of waste to the smallest practical area. Specifically, HCHD noted that waste had been off-loaded adjacent to the roll off containers located northeast of the current working area;
- i. OAC Rule 3745-27-19(E)(7)(e) for failure to ensure that all waste admitted to the Facility is deposited at the working face, spread in layers not more than two feet thick and compacted to the smallest practical volume;
- j. OAC Rule 3745-27-19(E)(9) for failure to employ all reasonable measures contain scattered litter. Specifically scattered litter was observed north and south of the current working area and along the northern and southern boundaries of the Facility;
- k. OAC Rule 3745-27-19(E)(11)(a) for failure to document the results of daily inspections for leachate outbreaks, ponding, and erosion at the Facility and include the documentation in the operating record;
- l. OAC Rule 3745-27-19(E)(11)(b) for failure to document the results of weekly inspections of the sedimentation ponds and sedimentation discharge structures and include the documentation, as well as a discussion of any corrective actions taken to address problems with the sedimentation ponds and sedimentation discharge structures in the operating record;
- m. OAC Rule 3745-27-19(G) for failure to protect the intermediate cover from erosion. Specifically, HCHD noted that vegetative cover in several areas is sparse or lacking and erosion has occurred in several areas throughout the Facility;
- n. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover. Specifically exposed waste was observed on the side slopes north, south, and west of the current working area;
- o. OAC Rule 3745-27-19(J)(3) for failure to correct the conditions causing ponding or erosion. Specifically, ponding was noted in areas north of the current working area and south of the northern most perimeter access road;

- p. Additionally, HCHD informed Respondents that many of the violations noted above were also observed on the previous inspection of November 14, 2008, and that it distinctly appears that no corrective actions have been taken by the on-site personnel to address the ongoing violations.

### Groundwater Violations

43. On May 11, 2004, and June 28, 2004, respectively Ohio EPA received documents entitled "*Holmes County Landfill Ground Water Detection Monitoring Plan*" and "*Ground Water Monitoring Wells UZ-8 and UZ-9 Installation Report Holmes County Landfill, Millersburg, Ohio.*" Ohio EPA reviewed the documents and in correspondence dated September 9, 2005, notified Respondents of the following violations:
- a. OAC Rule 3745-27-10(A)(5) for failure to have a qualified ground water scientist certify that the detection monitoring plan for the Facility was submitted in accordance with OAC Rule 3745-27-10;
  - b. OAC Rules 3745-27-10(H)(1), and 3745-27-(H)(2) for failure of the owner and operator to sign the detection monitoring plan for the Facility thereby attesting that, to the best knowledge of the signor, the submitted documents are true, complete, and comply with all applicable requirements;
  - c. OAC Rule 3745-27-10(B)(1)(b), for failure to locate down gradient wells directly down gradient of the landfill. Specifically it was noted that an additional monitoring well is needed between wells UZ-3 and UZ-8;
  - d. OAC Rule 3745-27-10(B)(3) and OAC Rule 3745-27-10(B)(4)(a) for failure to design, install, and develop monitoring wells in a manner that allows for the collection of representative groundwater samples and failure to base the number depth and spacing of groundwater monitoring wells on site specific hydro-geologic information respectively. Specifically Respondent did not include the boring logs and well construction diagram for monitoring well UZ-6 in the detection monitoring plan ("DMP"). The DMP must contain this information to show compliance with OAC Rule 3745-27-10(B)(3) and OAC Rule 3745-27-10(B)(4)(a);
  - e. OAC Rule 3745-27-10(B)(4)(b) for failure to install groundwater monitoring wells capable of detecting a release at the closest practicable location to the limits of waste placement. Specifically Ohio EPA noted that monitoring well UZ-1 is approximately 400-500 feet down gradient of the landfill and should be closer to the landfill to meet the intent of OAC Rule 3745-27-10(B)(4)(b). Ohio EPA further indicated appropriate locations for replacement wells and directed Respondents to install at least two additional monitoring wells at the Facility;

- f. Ohio EPA also informed Respondents that they cannot comply with OAC Rules 3745-27-10(B)(2), (B)(4), and (B)(5) until an adequate number of lower zone monitoring wells are installed to determine groundwater flow directions, background water quality, and down gradient ground water quality.
44. On February 18, 2005, Ohio EPA received a report titled "*Groundwater Detection Monitoring December 2004 Semiannual Event Holmes County Landfill*". Ohio EPA reviewed the report and in correspondence dated September 9, 2005, notified Respondents of the following violations:
- a. OAC Rules 3745-27-10(C)(8), (C)(10)(e), (D)(5)(b)(iii), and (D)(5)(e) for failure to statistically analyze groundwater monitoring data. Specifically Ohio EPA noted that upper zone monitoring wells UZ-1 through UZ-9 were not statistically evaluated. Ohio EPA also noted that the lower zone monitoring wells were not capable of statistical evaluation because of a lack of appropriately placed lower zone monitoring wells;
  - b. OAC Rules 3745-27-10(C)(3)(b), (C)(3)(d), and (C)(10)(f) for failure to determine the direction of groundwater flow in the zones monitored by wells LZ-1, LZ-2, LZ-3, and LZ-7. Ohio EPA noted that Respondents should install at least two additional ground water monitoring wells at the appropriate depths to determine groundwater flow in these zones.
45. On August 22, 2005, Ohio EPA received a document titled "*Ground Water Monitoring Well Abandonment, Monitoring Wells MW-4, SW-2 and SW-4, Holmes County Landfill, Holmes County, Ohio*." Ohio EPA reviewed the document and in correspondence dated November 22, 2005, notified Respondents of the following violations:
- a. OAC Rules 3745-27-10(A)(5) for failure to have a qualified ground water scientist certify that the well abandonment report was submitted in accordance with OAC Rule 3745-27-10;
  - b. OAC Rules 3745-27-10(B)(3)(d), 3745-27-09(H)(1), and 3745-27-09(H)(2) for failure of the owner and operator to sign the well abandonment report submitted to the operating record thereby attesting that information submitted is true and complete and complies with the requirements of ORC Chapter 3734. and the rules adopted thereunder.

46. On January 10, 2005, Ohio EPA received a document from Respondents titled *"Response to November 22, 2005, Notice of Violation [regarding] Abandonment Report for Ground Water Wells MW-4, SW-2 and SW-4 – Holmes County Landfill."* Ohio EPA reviewed the document and in correspondence dated March 24, 2006, notified Respondents that based on Respondents' inclusion of the necessary signature sheets and affirmation statements with their response, the violations of OAC Rules 3745-27-10(A)(5), 3745-27-10(B)(3)(d), 3745-27-09(H)(1), and 3745-27-09(H)(2), had been adequately addressed.
47. On December 14, 2005, Ohio EPA received a document from Respondents titled *"Response to September 9, 2005, Notice of Violation [regarding] Ground Water Detection Monitoring December 2004 Semiannual Event – Holmes County Landfill."* Ohio EPA reviewed the document and in correspondence dated March 27, 2006 noted the following:
- a. Respondents remain in violation of OAC Rules 3745-27-10(C)(8), (C)(10)(e), (D)(5)(b)(iii), and (D)(5)(e), for failure to statically monitor the upper zone monitoring wells during the December 2004 sampling event and submitting the results to Ohio EPA;
  - b. Respondents remain in violation of OAC Rules 3745-27-10(D)(5)(b)(ii)(b) and 3745-27-10(C)(10) for failure to analyze monitoring well UZ-4 during the December 2004 sampling event.
48. On February 14, 2006, Ohio EPA received a document from Respondent titled *"Ground Water Detection Monitoring, December 2005 Semiannual event, Holmes County Landfill, Project No. WRS-008.d5."* Ohio EPA reviewed this document and in correspondence dated April 18, 2006, notified Respondents of the following violations:
- a. OAC Rules 3745-27-10(C)(8), (C)(10)(e), (D)(5)(b)(iii), and (D)(5)(e) for failure to statistically analyze the upper zone (Bedford Coal) monitoring wells during the December 2005 sampling event and submit the results to Ohio EPA;
  - b. OAC Rules 3745-27-10(C)(7)(e) and (C)(1) for using a practical quantitation limit ("PQL") equal to the maximum contaminant level ("MCL") for 1,2-dichloroethane. Ohio EPA further informed Respondents that they must have a PQL lower than the MCL to be protective of human health and the environment;
  - c. Additionally, Ohio EPA informed Respondents that in order for Ohio EPA to determine compliance with OAC Rules 3745-27-10(C)(3)(b), (C)(3)(d) and (C)(10)(f), Respondents must install two additional lower zone wells to determine ground water flow direction in the LZ-1/LZ-3 and LZ-2/LZ-7 zones.

49. On September 11, 2006 and February 26, 2007, Ohio EPA received the June 2006 semiannual groundwater sampling event and December 2006 annual ground water sampling reports, respectively. Ohio EPA reviewed the reports and in correspondence dated June 15, 2007, notified Respondents of the following violations:
- a. OAC Rule 3745-27-10(A)(5) for failure to have a qualified groundwater scientist certify that the June and December 2006 ground water sampling reports were submitted in accordance with OAC Rule 3745-27-10;
  - b. OAC Rule 3745-27-09(H) for failure of Respondents to sign the June and December 2006 ground water sampling reports submitted to the operating record thereby attesting that the information submitted is true and complete and complies with the requirements of ORC Chapter 3734 and the rules adopted thereunder;
  - c. OAC 3745-27-10(C)(1)(a) for using sampling methods inconsistent with the sampling analysis plan. Specifically, volumetric sampling methods are specified in the Facility's groundwater detection monitoring plan, however low flow sampling techniques were used for monitoring wells LZ-1 and UZ-4;
  - d. OAC Rules 3745-27-10(C)(3)(b), (C)(3)(d), and (C)(10)(f) for failure to determine groundwater flow and submit groundwater flow information on potentiometric maps to Ohio EPA;
  - e. OAC Rules 3745-27-10(C)(8), (C)(10)(e), (D)(5)(b)(iii), and (D)(5)(e) for failure to statistically analyze the upper zone (Bedford coal) monitoring wells during the June and December 2006 sampling events and submit the results to Ohio EPA;
  - f. OAC Rules 3745-27-10(C)(10)(b) for failure to submit laboratory quality assurance/ quality control ("QA/QC") data for the December 2006 sampling event and failure to submit field QA/QC data for the June and December 2006 sampling events;
  - g. OAC Rule 3745-27-10(C)(10)(g) for failure to include method detection limits and practical quantitation limits for the constituents analyzed in the June and December 2006 sampling event reports.

50. Ohio EPA received the following groundwater sampling reports regarding independent background sampling events for five recently installed new/ additional groundwater monitoring wells:
  - a. *August 2007 Background Sampling Event*, received on October 12, 2007;
  - b. *September 2007 Background Sampling Event*, received on November 20, 2007;
  - c. *October 2007 Background Sampling Event*, received on December 20, 2007;
  - d. *December 2007 Background Sampling Event*, received on February 13, 2008;
  - e. *March 2008 Background Sampling Event*, received on April 16, 2008;
  - f. *April 2008 Background Sampling Event*, received May, 22, 2008.
51. Ohio EPA reviewed the documents listed in Finding No. 50 above, and in correspondence dated July 25, 2008, notified Respondents of the following violations:
  - a. OAC Rule 3745-27-10(C)(3)(a) for failure to construct and submit potentiometric maps using the collected groundwater data with the August, September, October, December, March, and April sampling reports;
  - b. OAC Rule 3745-27-10(C)(10) for failure to submit the ground water elevation field sheet in attachment A of the October 2007 Ground water sampling report;
  - c. Additionally, Ohio EPA noted that due to the violations noted above, Respondents were also in violation of OAC Rule 3745-27-19(B)(6) which requires compliance with the requirements of OAC Rule 3745-27-10.
52. Upon review of the response submitted on February 5, 2009 by Respondents, the deficiencies in the report entitled "*Construction Certification Report, Phase 3 Landfill Perimeter Berm*" identified above in Paragraph 11 have been resolved.

## **V. ORDERS**

1. Not later than thirty (30) days after the effective date of these Orders, Respondent Holmes County shall update the operating record in accordance with OAC Rule 3745-27-19(E), and shall return all documents specified in OAC Rule 3745-27-09(I) to the operating record that have been removed.

2. Not later than thirty (30) days after the effective date of these Orders, Respondent Holmes County shall designate a quality assurance/quality control ("QA/QC) person to be on-site during all construction activities to ensure that all construction is in compliance with PTI No. 02-98-18 and OAC Chapter 3745-27.
3. Not later than the earlier of five years after the effective date of these Orders or upon closure, Respondent Holmes County shall complete the placement of final cap on Phase I of the Facility in accordance with OAC Rule 3745-27-11.
4. Not later than three hundred sixty-five (365) days after the effective date of these Orders, Respondent Holmes County shall place transitional cover on Phase 1 of the facility in accordance with OAC Rule 3745-27-08 and comply with OAC Rule 3745-27-19(H)(2)(d). Notwithstanding this Order, in accordance with Order No. 3, Respondent Holmes County shall complete the placement of final cap on Phase 1 of the Facility in accordance with OAC Rule 3745-27-11.
5. Not later than three hundred sixty-five (365) days after the effective date of these Orders, Respondent Holmes County shall remove and properly dispose of all waste placed outside the lateral and vertical limits of waste placement depicted in the July 16, 1998, PTI No. 02-98-18.
6. Respondent Holmes County shall cease acceptance and disposal of solid waste at the Facility immediately upon the effective date of these Orders. Respondent Holmes County shall not resume the acceptance and disposal of solid waste at the Facility prior to the following: Respondent Holmes County has arranged for operable equipment of adequate size and quantity for the operations of the Facility to be available at all times, and has prepared an appropriate contingency plan to properly handle and dispose of waste materials in the event of equipment failure. For the purposes of these Orders, adequate equipment for the Facility includes, at a minimum, the equipment listed in the PTI under section (e) *Equipment to be used to construct, operate, and maintain the sanitary landfill facility.*
7. Respondent Holmes County shall notify the Ohio Environmental Protection Agency, Northeast District Office when operable equipment of adequate size and quantity for the operations of the Facility is on site.
8. Respondent World Resource Land Management, Inc. and guarantor Frank Lasky ("WRLM") shall pay to Ohio EPA, pursuant to a one hundred and twenty (120) month payment plan, the amount of fifty-nine thousand, seven hundred and two dollars (\$59,702.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 3734. in accordance with the following provisions:

- a. Within thirty (30) days after the effective date of these Orders, Respondent WRLM shall pay the amount of four hundred ninety-eight dollars and thirty one cents (\$498.31) of the total amount which will be deposited into the environmental protection remediation fund established pursuant to ORC Section 3734.281. Payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for four hundred ninety-eight dollars and thirty one cents (\$498.31). The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the Facility. A copy of the check shall be sent to Ohio EPA, Division of Solid and Infectious Waste Management, Supervisor, Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.
- b. On the first day of the second month following the effective date of these Orders, and on the first day of the month for one hundred and eighteen (118) consecutive months thereafter, Respondent WRLM shall pay the amount of four hundred ninety-seven dollars and fifty one cents (\$497.51) of the total amount on a monthly payment plan for a total of one hundred and nineteen (119) consecutive months which will be deposited into the environmental protection remediation fund established pursuant to ORC Section 3734.281. Each Payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for four hundred ninety-seven dollars and fifty one cents (\$497.51). The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the Facility. A copy of the check shall be sent to Ohio EPA, Division of Solid and Infectious Waste Management, Supervisor, Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.
- c. In lieu of submitting the final 24 payments to Ohio EPA for deposit into the environmental protection remediation fund established pursuant to ORC Section 3734.281, as identified in Order No. 8-b above, Respondent WRLM shall fund a Supplemental Environmental Project (SEP) by making the final 24 payments on the consecutive dates due on the first of the month in the amount of four hundred ninety-seven dollars and fifty one cents (\$497.51) payable to "Treasurer, State of Ohio." Each official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the Facility. A copy of the check shall be sent to Ohio EPA, Division of Solid and Infectious Waste Management, Supervisor, Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 and to Ohio EPA, Division of Air Pollution Control, Assistant Chief, SIP Development and Enforcement, P.O. Box 1049, Columbus, Ohio 43216-1049.

- d. Should Respondent WRLM fail to fund the Diesel Bus SEP in accordance with Order No. 8-c above, Respondent WRLM shall pay in accordance with Order No. 8-b above.

#### **VI. TOLLING AGREEMENT (ORC § 3745.31)**

Respondents agree that the time period between September 15, 2009 and payment in full of the civil penalty settlement amount [\$59,702.00] set out in Section V. of these orders will not be included in computing the time periods under the statute of limitations set forth in ORC § 3745.31. Respondents agree not to assert, plead or raise in any fashion, in any such action hereafter initiated or maintained by the State of Ohio, whether by answer, motion, or otherwise, any defense or avoidance based on (a) the running of the statute of limitations during the aforementioned period; or (b) laches or other principles concerning timeliness of commencing a civil action based upon the failure of the State of Ohio to assert such claims during the aforementioned period, and the statute of limitations shall be tolled during and for such period.

#### **VII. TERMINATION**

Respondents' obligations under these Orders shall terminate when Respondents certify in writing and demonstrate to the satisfaction of Ohio EPA that Respondents have performed all obligations under these Orders and the Enforcement Coordinator of Ohio EPA's Division of Solid and Infectious Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondents of the obligations that have not been performed, in which case Respondents shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondents to Ohio EPA and shall be signed by a responsible official of the Respondents. For purposes of these Orders, a responsible official is a principal executive officer, the ranking elected official, or other duly authorized employee of the county.

#### **VIII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondents' Facility.

### **IX. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondents.

### **X. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

### **XI. NOTICE**

All documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Northeast District Office  
Division of Solid and Infectious Waste Management  
2110 East Aurora Road  
Ashtabula, Ohio 4405-2450  
Attn: Unit Supervisor, DSIWM

And to:

Holmes County General Health District  
931 Wooster Road  
Millersburg, Ohio 44654  
Attn: Health Commissioner

Or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

### **XII. RESERVATION OF RIGHTS**

Ohio EPA and Respondents each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

### **XIII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondents consent to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents' liability for the violations specifically cited herein.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

### **XIV. EFFECTIVE DATE**

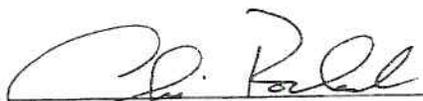
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

### **XV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**

Ohio Environmental Protection Agency

  
\_\_\_\_\_  
Chris Korleski, Director

**IT IS SO AGREED:**

Holmes County Commissioners

  
Signature  
JOE MILLER  
Printed or Typed Name

8-2-10  
Date  
CHAIRMAN  
Title

**IT IS SO AGREED:**

World Resource Land Management, Inc., Frank Lasky Guarantor

  
Signature  
Frank Lasky  
Printed or Typed Name

8/25/10  
Date  
President  
Title