



State of Ohio Environmental Protection Agency

**Southwest District Office**

401 E. Fifth St.  
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249  
www.epa.ohio.gov

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

Clinton Co.  
Wilmington Lt  
GW Corr.

September 25, 2009

Mayor David Raizk  
City of Wilmington  
69 North South Street  
Wilmington, Ohio 45177

**Re: Wilmington Landfill, Clinton County  
Notice of Violation- Review of the Statistical Report of Groundwater Quality**

Dear Mr. Raizk:

On December 19, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office, Division of Solid and Infectious Waste Management (DSIWM) received a document titled Statistical Report of Groundwater Quality, dated December 2008 (Report) for the Wilmington Landfill. The document was submitted by Hull & Associates, Inc. on behalf of the City of Wilmington (City) owner/operator of the Wilmington Sanitary Landfill (Facility), located in Clinton County.

DSIWM forwarded the documents to the Division of Drinking and Ground Waters (DDAGW) for review and comment. Based on a review of the information submitted, Ohio EPA provided the following comments:

1. Pursuant to OAC Rule 3745-27-10(E)(1), the owner or operator shall implement and comply with the ground water quality plan and requirements of this rule. In accordance with OAC Rule 3745-27-10(E)(1), the facility failed to implement a ground water assessment program when the director did not approve the Report (demonstration) submitted in accordance with OAC Rule 3745-27-10(D)(7)(c). **The Facility's failure to self implement the ground water assessment program is a violation of OAC Rule 3745-27-10(E)(1).**
2. **The Facility failed to follow the August 2008 Ground Water Detection Monitoring and Sampling and Analysis Plan (SAP) which is a violation of OAC Rule 3745-27-10(C)(2).** The SAP includes the measurement of ground water levels in monitoring well P-9S. Monitoring well P-9S is identified as a shallow piezometer (former down-gradient assessment well from P-6S) that is used to supplement the ground water elevation data for the shallow potentiometric surface map. The City provided no explanation in the Report regarding why monitoring well P-9S was not measured or subsequently used in the ground water flow map identified as Shallow Potentiometric Surface, dated October 21, 2008. Information from monitoring well P-9S provides beneficial ground water flow information when evaluating flow conditions in the vicinity of monitoring well P-6S. The City is reminded to follow the SAP and collect water levels from well P-9S whenever a shallow potentiometric surface map is generated.

Wilmington Landfill, Clinton County

Notice of Violation Letter- Review of Statistical Report of GW Quality, December 2008

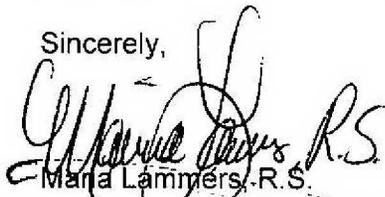
Page 2 of 2

3. The City's request for an OAC Rule 3745-27-10(D)(7)(c)(ii) approval to return monitoring well P-6S to the detection monitoring program is no longer a viable option because of the elapsed time. However, based upon the demonstration provided in the Report, the City needs to submit a OAC Rule 3745-27-10(E)(9)(b) request to Ohio EPA to return monitoring well P-6S to the detection monitoring program. The City shall submit to Ohio EPA for review a formal request citing OAC Rule 3745-27-10(E)(9)(b), and referencing the demonstration provided in the 2008 Semiannual Report along with any supporting documentation, and subsequent analysis. Furthermore, until Ohio EPA receives an OAC Rule 3745-27-10(E)(9)(b) request from the City, the monitoring well will remain in the ground water assessment program.

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

If you have any further questions regarding Ohio EPA's comments, please contact Greg Brown at (937) 285-6407 or me at (937) 285-6046.

Sincerely,



Maria Lammers, R.S.

Environmental Specialist II

Division of Solid and Infectious Waste Management

Ec: Matt Johannes, Clinton County Health District  
Greg Brown, Ohio EPA, SWDO-DDAGW  
Mohammed Finy, Hull & Associates, Inc.  
Karen Okonta, Hull & Associates, Inc.

Cc: Donald Maher, Wilmington LF