



State of Ohio Environmental Protection Agency

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Clinton County
Wilmington OH
General Corr.

April 17, 2007

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

Re: **Wilmington Sanitary Landfill
Notice of Violation**

Dear Mayor Raizk:

On March 29, 2007, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of Wilmington Sanitary Landfill (Facility) located in Clinton County. During the inspection, I was accompanied by Don Maher, Superintendent of Sanitation for the City of Wilmington. This inspection was conducted to determine compliance with Ohio EPA's Solid Waste Regulations. The working face during this inspection was located in the central eastern portion of the west expansion area. The findings observed were also documented by photographs. Ohio EPA records show that construction and operation of the Facility is authorized by Permit-to-Install #05-3708 (PTI), issued January 17, 1995.

The following observations were made during the inspection:

1. Ponding was observed in the southwest portion of the west expansion area due to areas of flat slopes and shallow grading (see Figure 1). The operator indicated that the flat slopes were a result of soils being used to correct erosion ruts following heavy seasonal rains. **The operator's failure to maintain adequate surface water management is a violation of OAC Rule 3745-27-19(J)(3) which states:**

"If ponding or erosion occurs on areas of the sanitary landfill facility where waste is being, or has been, deposited, the owner or operator shall undertake actions as necessary to correct the conditions causing the ponding or erosion."

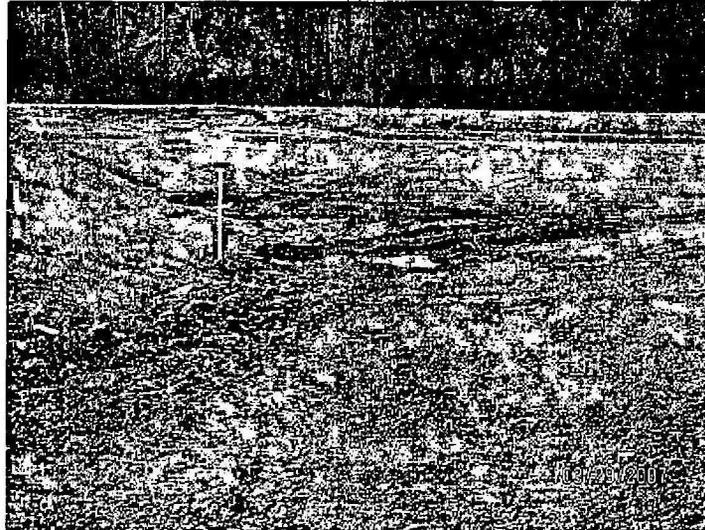


Figure 1: Ponding on the southwest portion of the west expansion area

2. There were bare spots in the vegetative cover of the cap (see Figure 2). As outlined in OAC Rule 3745-27-08 (B)(1)(f)(iv), the cap protection layer is an engineered component. **As such, the condition of the cap is in violation of OAC Rule 3745-27-19(E)(1)(c) which states in part:**

"The owner or operator shall maintain the integrity of the engineered components of the sanitary landfill facility and repair any damage to or failure of the components. Failed or damaged engineered components shall be investigated and reconstructed in strict compliance with the applicable authorizing documents. If a redesign is necessary, prior approval of an alteration or a modification shall be obtained."

The cap was constructed in 2001 and certified in accordance with OAC Rule 3745-27-08(D)(26)(e)(ii) which states:

"The cap protection layer shall be constructed in a manner that healthy grasses or other vegetation shall form a complete and dense vegetative cover within one year of placement."



Figure 2: Poor vegetation on capped portion of landfill

3. Blowing litter and flagging waste was observed along the northeast corner of the expansion area (see Figure 3). As indicated by the operator, this area is being regraded in an effort to correct the overfill violation. This violation was documented in a Notice of Violation, dated December 6, 2006. Therefore, despite efforts to return to compliance, **the current condition of the overfill area was in violation of OAC Rule 3745-27-19(F)** which states:

"Daily cover shall be applied to all exposed solid waste by the end of the working day to control fire hazards, blowing litter, odors, vectors, and rodents. In no event shall solid waste be exposed for more than twenty-four hours after unloading."

The Facility addressed the use of daily cover in the PTI Narrative, section 6.2 (page 34). **Therefore, the failure to cover exposed waste for greater than forty-eight (48) hours is in violation of the PTI**, which states in part:

"At least six (6) inches of daily cover shall be applied at the end of each working day to exposed refuse. In no case shall the refuse be exposed for more than a twenty-four (24) hour period."

The Facility addressed equipment failure in section 8.6 (page 54) of the PTI Narrative. **Therefore, in addition to being a violation of OAC Rule 3745-27-19(E)(3)(b), the inability to move solid waste from the overfill for proper disposal at the working face due to equipment failure is a violation of the PTI** which states:

"In the event of equipment failure, replacement equipment can be borrowed from another City department or rented from local rental agencies located within a one hour radius of the site."



Figure 3: Exposed solid waste and soils from overflow correction operation, as well as flagging waste

4. Upon review of photo documentation taken during the course of the inspection, stained soils were observed in an area of surface water runoff along the southeast portion of the west expansion area (see Figure 4). **Failure to contain, manage, dispose and eliminate leachate outbreaks is a violation of OAC 3745-27-19(K)** which states in part:

"If a leachate outbreak(s) occurs at the sanitary landfill facility, the owner or operator shall repair the outbreak (s) and do the following:

- (a) contain and properly manage the leachate at the sanitary landfill facility".
- (b) If necessary, collect and dispose of the leachate in accordance with paragraphs (K) (5) and (K) (6) of this rule.
- (c) Take action to minimize, control, or eliminate the conditions which contribute to the production of leachate."

Leachate outbreaks are addressed in the PTI Narrative, section 8.5.2 (page 51). **Failure to properly manage a leachate outbreak is a violation of the PTI** which states in part:

"Leachate seeps occurring on or adjacent to the landfill area shall be promptly repaired and handled in accordance with the following provisions:

1. Leachate emanating from the seep area shall be contained and properly managed at the landfill facility in a manner appropriate to the volume of seepage. Earthen berms or similar containment material shall be used to prevent migration of the seep and minimize potential environmental impact.
2. If necessary, leachate shall be collected and removed from the seep area for disposal.

3. Actions shall be taken to minimize, control, or eliminate the conditions which contribute to the production of leachate in the seep area."



Figure 4: Stained soils along surface water drainage on southwest portion of west expansion area

Returning to compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in ORC Chapter 3734 and the rules promulgated there under, does not relieve you of your obligation to comply with other applicable State and Federal laws and regulations.

The assistance of City of Wilmington staff during this inspection was greatly appreciated. As such, corrections of the violations cited herein are expected to begin immediately upon receipt of this Notice of Violation.

Please send this office a written response detailing how the violations will be addressed, as well as those actions already taken by the facility. Please submit the response within 14 days of receipt of this correspondence. Contact the Clinton County Health Department or this office if you have any questions.

Sincerely,

Michelle Ackenhausen
District Engineer
Division of Solid & Infectious Waste Management

cc: Don Maher, Wilmington Landfill
Matt Johannes, Clinton County Health District
File

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