



State of Ohio Environmental Protection Agency

Southwest District Office

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Ted Strickland, Governor
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Chris Korieski, Director

April 25, 2007

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

**Re: Wilmington Landfill, Clinton County
Notice of Violation**

Dear Mr. Raizk:

On April 10, 2007, I conducted a follow-up inspection at the Wilmington Landfill located in Clinton County. During the inspection, I was accompanied by Don Maher, Superintendent of Sanitation for the City of Wilmington and Greg Brown, Ohio EPA, Division of Drinking and Ground Waters (DDAGW).

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 indicate that construction and operation of this Facility is authorized by Permit-to-Install #05-3708 (PTI), issued January 17, 1995.

The following observations were made during my inspection:

1. Flagger waste was observed along the southeastern portion of the west expansion area (see Figure 1). The operator's failure to maintain daily cover was also documented in Ohio EPA Notice of Violation letters dated December 6, 2006 and April 17, 2007. The operator's failure to maintain daily cover is a violation of Ohio Administrative Code (OAC) Rule 3745-27-19(F) which states in part:

"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.”



Figure 1: Flagging waste on the southeast portion of the west expansion area

2. Ponding was observed on the southeastern portion of the west expansion area (see Figure 2). The operator's failure to correct the conditions causing the ponding and maintain adequate surface water structure diverting surface water from areas of waste placement is a violation of OAC Rule 3745-27-19(J)(3) which states in part:

“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.”

Ponding was also documented in a Notice of Violation letter dated April 17, 2007, from Ohio EPA. During this inspection the operator indicated that more soil would be placed in this area to improve grading to prevent ponding.



Figure 2: Ponding on the southeast portion of the west expansion area

3. Blowing litter and flagging waste were observed along the eastern boundary of the West Expansion Area (see Figure 3). This violation was documented in Notice of Violation letters, dated December 6, 2006 and April 17, 2007. The operators failure to employ reasonable measures to collect, properly contain and dispose of scattered litter is a violation of OAC Rule 3745-27-19(E)(9) which states in part:

“The owner or operator shall employ all reasonable measures to collect, properly contain, and dispose of scattered litter, including the use of portable wind screens where necessary and frequent policing of the area.”

The operator’s failure to control scattered litter is also a violation of OAC Rule 3745-27-19(F) which states in part:

“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.”



Figure 3: Scattered litter along the eastern boundary of the west expansion area

4. Large erosion ruts between twelve (12) to eighteen (18) inches in depth were observed along the west side of the west expansion and solid waste was flagging in the ruts (see Figure 4). The operator’s failure to maintain surface water structures ensuring minimal erosion and infiltration of water through the minimizing the cover material and cap system is a violation of OAC Rule 3745-27-19(J)(3) which states in part:

“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.”

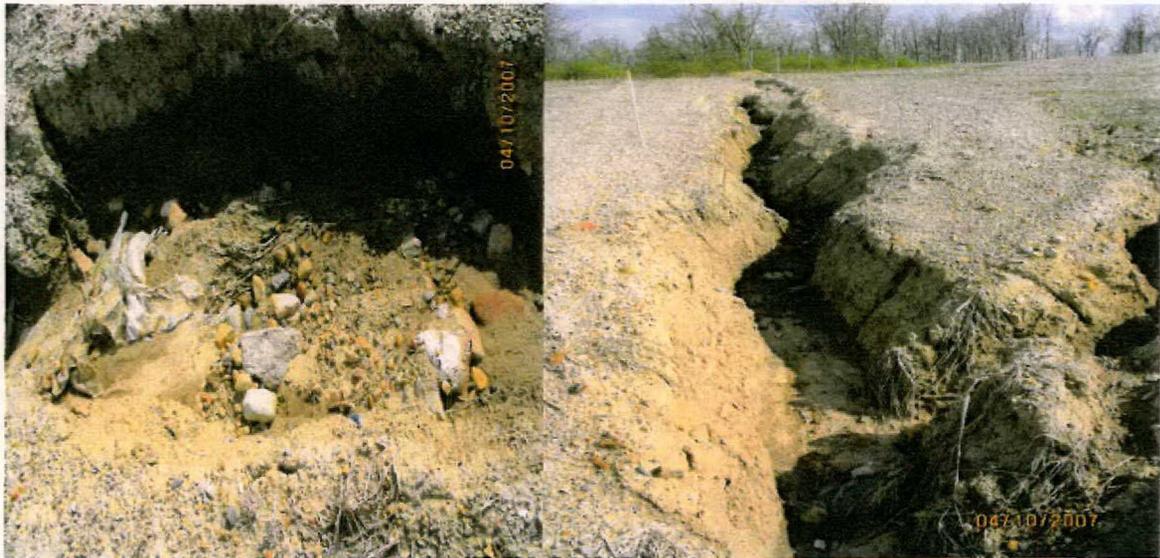


Figure 4: Erosion rut and exposed waste along the west side of the west expansion area

5. On the closed portion of the landfill there were areas of dead vegetative cover on the cap (see Figure 5). As outlined in OAC Rule 3745-27-08 (B)(1)(f)(iv), the cap protection layer is an engineered component. The operator's failure to maintain the integrity of the engineered component 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 5: Dead vegetation on closed portion of the landfill

6. Materials from the over fill along the northeast section of the west expansion were being excavated and placed within the working face (see Figure 6).



Figure 6: Excavation of NE corner of West Expansion Area

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 Recovery Act remedying conditions resulting from any release of contaminants to the environment.

As such, corrections of the violations cited herein are expected to begin immediately.

Please submit 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 to Ohio EPA's Southwest District Office and Clinton County Health Department.

If you have any questions, please contact me at 937-285-6046.

Sincerely,

Maria Lammers, R.S. /ML

Maria Lammers, R.S.
Environmental Specialist
Division of Solid and Infectious Waste

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