



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 6, 2012

Mayor Randy Riley
City of Wilmington
69 North South Street
Wilmington, Ohio 45177

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

Dear Mayor Riley:

On May 15, 2012, Joleen Cook from Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a call from Mohammad S. Finy of Hull and Associates (HAI), on behalf of the city of Wilmington (City), to discuss Wilmington Sanitary Landfill (Facility) located at 397 South Nelson Ave, Wilmington, Ohio in Clinton County.

At the close of the call, Ms. Cook asked about the Plate 2 drawing that had been provided in the Wilmington Sanitary Landfill 2011 Annual Operational Report for the Facility dated March 30, 2012. According to the Plate 2 drawing, the Facility noted that waste was placed above the vertical limits of waste placement along the north side of Phase I. According to information provided at the time of the call, waste placement had exceeded the vertical limits as approved in the Facility's Permit to Install (PTI) #645474. No explanation was provided for the overfill during the phone conversation.

This is the second overfill at the Facility. Ohio EPA received notification in November 2006 that the Facility had overfilled and had exceeded the final design in the areas of the West Expansion Area. A notice of violation letter was issued on December 6, 2006 to the Facility. This violation letter was issued for the owner/operator's violations of PTI # 05-3708, issued January 17, 1995.

Based upon the information provided to date regarding the most recent overfill, the Facility is in violation of the PTI approved waste limits as well as Ohio Administrative Code (OAC) Rule 3745-27-19(B)(2) which states:

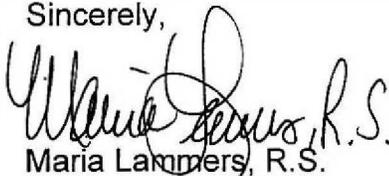
"The owner or operator shall conduct all construction and operation at a sanitary landfill facility in strict compliance with the applicable authorizing document(s), including the permit(s) to install..."

Please establish a plan under which the Facility will be brought into compliance. The plan must include the following information:

1. a topographical map showing the current surveyed waste elevations and the permitted waste grades;
2. the volume of waste calculated to be outside the limits of waste placement;
3. methods and equipment to be used by the Facility to remove the impacted waste; and
4. a timeline for the work to be completed. Your plan must be submitted to this office in a timely manner for approval. Please notify this office within seven (7) days with a date certain as to when this information will be submitted.

If you have any questions, please feel free to contact Joleen Cook at 937-285-6071 or me at 937-285-6046.

Sincerely,



Maria Lammers, R.S.
Environmental Specialist II
Division of Materials and Waste Management

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

ML/ca