



State of Ohio Environmental Protection Agency

*Clinton Co
Wilmington OH
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Southwest District

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

June 20, 2008

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

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

Dear Mayor Raizk:

On May 10, 2007, this office received a telephone call from Mohammad Finy, Hull and Associates (HAI) on behalf of the City of Wilmington Sanitary Landfill (Facility). According to information provided at the time of the call, the Flexible Membrane Liner (Liner) had been punctured, outside the limits of waste placement, during the process of moving overfill material. Ohio EPA records show that construction and operation of the Facility is authorized by Permit-to-Install #05-3708 (PTI), issued January 17, 1995.

On May 14, 2007, I, representing the Ohio EPA, Southwest District Office, met at the Facility with Wayne Seipelt, Wilmington Sanitary Landfill Employee, and Mr. Finy, HAI Senior Project Manager. The purpose of this meeting was to determine the extent of the Liner damage. Three (3) areas of Liner were found damaged. According to Mr. Seipelt, the damage occurred when removing solid waste with the Case Backhoe Loader due to discrepancies between the surveyor's markings and actual liner elevations.

A Notice of Violation (NOV) was mailed to the Facility on May 24, 2007. The Facility was instructed to prepare a written response detailing how the violation would be addressed, those actions already taken by the Facility, and a plan the Facility would follow to prevent further such incidents. A subsequent NOV was mailed on May 29, 2008 following an inspection on May 21, 2008 at which time the Facility indicated that repairs had not been initiated.

On June 12, 2008, Joleen Cook and Michael Harris, representing Ohio EPA, met at the Facility with Don Maher, Wilmington Sanitary Landfill manager, Thom Moore, HAI Project Engineer, and a liner crew from AEG. The purpose of this site visit was to

observe the repair of the liner. While making the necessary repairs, additional tears were found in the liner, including but not limited to a missing section of liner, approximately 12 foot by 4 foot (Figure 1).

As outlined in Ohio Administrative Code (OAC) Rule 3745-27-08 (B)(1)(c), the composite liner system is an engineered component. **As such, the condition of the Liner 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.” and “Failed or damaged engineered components shall be investigated and reconstructed in strict compliance with the applicable authorizing documents.”

The Liner was constructed in 1999. HAI submitted the construction certification report on behalf of the Facility on April 27, 2000; an additional report was submitted on June 12, 2000 to address Ohio EPA comments. Ohio EPA concurred with the certification report by letter dated June 23, 2000.



Figure 1: Spade pointing to exposed clay liner where FML was discovered missing.

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While all identified tears in the liner were repaired, the job could not be completed on June 12, 2008 due to insufficient quantities of geonet. The Facility was instructed by Ms. Cook to contact Ohio EPA upon obtaining the necessary materials to complete the work. On June 18, 2008, this office received a call from Mr. Finy, indicating that all repairs had been completed and a certification report would be submitted as required.

Please be aware that returning to compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in ORC 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.

Please prepare and submit a plan the Facility can follow to prevent further such incidents. Please submit the response within fourteen (14) days of receipt of this correspondence. Please contact this office if you have any questions.

Sincerely,



Michelle Ackenhausen
District Engineer
Division of Solid & Infectious Waste Management

cc: Matt Johannes, Clinton County Health Department
Don Maher, City of Wilmington Sanitary Landfill
Mohammad Finy, Hull & Associates, Inc.
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