



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.state.oh.us

Ted Strickland, Governor  
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*Clinton Co.  
Wilmington LF  
General Corr.*

May 24, 2007

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

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

Dear Mr. Raizk:

On May 10, 2007, this office received a telephone call from Mo 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 Mo Finy, HAI Senior Project Manager. The purpose of this meeting was to determine the extent of the Liner damage. The findings observed were also documented by photographs. At the time of the inspection, the following observations were made:

1. Three (3) areas of Liner were found damaged (see Figures 1 and 2). 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. 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."

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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: Section of damaged Liner on North side of West Expansion Area**



**Figure 2: Another section of damaged Liner on North side of West Expansion Area**

2. Blowing litter and flagging waste was observed along the north and northwest edges of the expansion area (see Figures 3 and 4). Mr. Finy indicated that this area is being reworked in an effort to correct the overflow violation and was left exposed so that it could be observed by Agency staff. The overflow violation was documented in a Notice of Violation, dated December 6, 2006. Despite efforts to return to compliance, **the current condition of the overflow 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.”

**Therefore, the failure to cover exposed waste for greater than twenty-four (24) hours is in violation of the PTI.** The Facility addressed the use of daily cover in the PTI narrative, section 6.2 (page 34) 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 3: Exposed solid waste in Northwest corner of West Expansion Area**



**Figure 4: Exposed solid waste on Northwest edge of West Expansion Area**

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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 written response detailing how the violations will be addressed, those actions already taken by the Facility, and a plan the Facility can follow to prevent further such incidents. Please submit the response within fourteen (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: Matt Johannes, Clinton County Health Department  
Don Maher, City of Wilmington Sanitary Landfill  
Mohammad Finy, Hull & Associates, Inc.  
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