



Clinton Co.
Wilmington
Gen. Cov.

March 1, 2010

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

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

Dear Mayor Raizk:

On February 11, 2010, Michelle Ackenhausen and I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of Wilmington Sanitary Landfill (Facility) located in Clinton County. During the inspection, we were 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 and the Revised Alternative Daily Cover Temporary Approval letter from Ohio EPA, dated October 13, 2009 (Revised ADC Temporary Approval Letter). 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 #645474, issued January 8, 2009.

The following observations were made during the inspection:

1. Inadequate cover was placed over the municipal solid waste in the working face, and blowing litter and flagging waste was observed along the southeastern section the phase 1 vertical expansion area (see Figures 1 and 2). The Facility operator indicated that the litter fencing will be expanded along the eastern side of the working face in an effort to capture blowing litter. There also were several pieces of flagging debris around the eastern side of the working face. Therefore, despite efforts to return to compliance, **the current condition of the working face and surrounding 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."



Figure 1: Litter



Figure 2: Flagging debris adjacent to the ADC

The Facility addressed the use of daily cover in the PTI #645474 Narrative, page 16. Therefore, the failure to cover exposed waste by the end of the working day is in violation of the PTI, which states in part:

"Daily cover will be applied at the end of each working day. Daily cover will be a six inch thickness of soil. The daily cover will be spread and compacted by the compactor, dozer, scraper, or other available on-site equipment. Daily cover will be placed over the working face at the end of each day that waste was disposed of on-site."

2. The Facility currently has two (2) tarps in use, including the original tarp that was placed over waste on February 4, 2010 and according to the operator was left in place because the inclement weather made it difficult to remove. The use of the ADC as intermediate cover where the solid waste disposal area remains inactive for a period of seven (7) days is 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."

This is also a violation of condition number # (9) of the Revised ADC Temporary Approval Letter, which states in part:

"LandPac Tarp shall not be used as intermediate cover or final cover. Any solid waste disposal area that remains inactive for a period of 7 days and which has been covered with LandPac Tarp shall be covered with at least 6 inches of soil in accordance with OAC Rule 3745-27-19(F) by the end of the seventh day".



Figure 3: Tarp 1 left in place- tires are on top of the tarp along with snow over waste

3. The Facility's original tarp has been in use by the operator since receiving an Alternate Daily Cover Authorization in June 8, 2009. In January 2010, the operator ordered a new tarp since it had become frayed but continued to use the original tarp, as indicated by Figure 4. This was also documented in the Facility's Daily log file with photos taken on February 4, 2010 of the ADC in use that was torn and frayed (see attachment). The Facility's use of an ADC that is damaged is a violation of condition # 10 of the Revised ADC Temporary Approval Letter, which states in part:

"The owner or operator shall promptly replace or repair the LandPac Tarp if it becomes frayed, torn, ripped or otherwise rendered unusable and is therefore no longer able to serve its intended purpose."

Also, deploying the ADC on February 4th and 5th, 2010 with the knowledge of an incoming snow storm and the inability afterwards to remove ADC, leaving the ADC in place long term longer than seven (7) days is a violation of condition # 5 of the Revised ADC Temporary Approval Letter, which states in part:

"If inclement weather conditions will render the placement or use of LandPac Tarp ineffective or otherwise unsatisfactory, the owner or operator shall temporarily revert to using conventional soil cover in accordance with OAC Rule 3745-27-19(F) until such conditions cease to exist."



Figure 4: Frayed tarp 1 left in place since January

4. Upon inspection of the daily log forms, we observed several incomplete columns on Form 2 such as missing waste type, waste origin, or date on the forms. On January 18, 2010 Form 3 was not completed, despite waste being received at the Facility. The Facility's failure to properly complete the daily log forms is a violation of OAC Rule 3745-27-19(E)(10)(a) which states in part:

"The owner or operator shall keep a daily log of operations of the facility that contains all the information specified on forms prescribed by the director. All entries required by the log form shall be completed."

5. Additionally, the following are a list of dates in 2010 where the Daily Log, Form 3 indicated that the Facility deployed use of the ADC on the working face however, no photographs were taken of two (2) opposing sides of the ADC as required by the Revised ADC Temporary Approval Letter:

- January 4, 2010
- January 7, 2010
- January 13, 2010
- January 19, 2010
- January 20, 2010
- January 25, 2010
- January 26, 2010
- February 3, 2010
- February 8, 2010

The Facility's failure to take photographs from at least two (2) opposing sides of the working face each day the LandPac Tarp had been applied is a violation of condition # 14 of the Revised ADC Temporary Approval Letter, which states in part:

"Photographs from at least two opposing sides of the working face shall be taken each day the LandPac Tarp has been applied."

As a reminder, in accordance with condition # 7 of the Revised ADC Temporary Approval Letter, if Ohio EPA or the Clinton County Health Department determines that the use of LandPac Tarp is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use this material may be revoked upon written notification from the Director of Ohio EPA (Director).

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

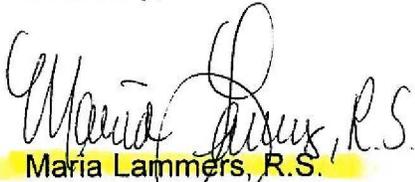
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Liability Act, or Resource Conservation Recovery Act remedying conditions resulting from any release of contaminants to the environment.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Maria Lammers, R.S.", written in a cursive style.

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

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

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