Ohio EPA
40 years and moving forward
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

November 9, 2012 **CERTIFIED MAIL**

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

Re: Wilmington Sanitary Landfill, Clinton County
Notice of Violation

Dear Mayor Riley:

On October 23, 2012, I conducted an inspection of the Wilmington Sanitary Landfill (Facility) located in Clinton County. During the inspection, I was accompanied by Michelle Ackenhausen and Joleen Cook of the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM). This inspection was conducted to determine compliance with Ohio EPA's Solid Waste Regulations and to determine the status of the waste overfill (Notice of Violation letter, dated June 6, 2012). 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 noted during this inspection:

1. To date, Ohio EPA has not received a certification report documenting the removal of the overfill at the Facility. Based upon the information provided to date, the Facility remains in violation of PTI #645474 for 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..."

2. Upon inspection of the daily log forms, I observed several incomplete columns on Form 2 such as: breaking out individual loads, unique vehicle ID's, generator information for construction and demolition debris (C&DD) loads, and the name of the hauling company for each load received for disposal at the Facility. As I discussed with Facility employee, Braden Dunham, during the inspection, a separate, complete entry (row) must be made on the Form 2 of the daily log for <u>each</u> individual load of waste received,

and all applicable columns must be completed. The Facility's failure to properly complete the daily log forms is a violation of OAC Rule 3745-27-19(E)(10) which states:

"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."

3. Inadequate intermediate cover was placed over the municipal solid waste in the northern section of the Phase 1 vertical expansion area, resulting in flagging waste and erosion channels along the northern slope. The conditions of the northern section of the Facility and the surrounding area at the time of inspection are in violation of OAC Rule 3745-27-19(G) which states in part:

   "The owner or operator shall apply intermediate cover to all filled areas of a sanitary landfill facility where additional waste is not to be deposited for at least thirty days. Intermediate cover material shall be non-putrescible and have low permeability to water, good compactability, cohesiveness, and relatively uniform texture, and shall not contain large objects in such quantities as may interfere with its application and intended purpose. A soil layer, a minimum of twelve inches thick, consisting of well-compacted loam, silt loam, clay loam, silty clay loam, silty clay or some combination thereof, shall be used."

   Additionally, the Facility's failure to protect the intermediate cover from erosion is a violation of OAC Rule 3745-27-19(G)(4) which states:

   "The owner or operator shall perform measures to protect the intermediate cover from erosion."

   The Facility's PTI#05-3708 (Narrative, page 34) explains how to use intermediate cover at the landfill. The Facility's failure to cover areas of exposed waste that have exceeded 30 days is in violation of the PTI, which states in part:

   "Intermediate cover shall be applied and uniformly compacted to limit the infiltration of stormwater to the greatest extent practical. This cover material shall generally be left in place, and seeded and mulched if exposure will exceed 30 days."

4. Leachate outbreaks were observed along the south slope and at the base of the southwestern corner of the west expansion area. The leachate outbreak on the southwestern corner of the west expansion area was bubbling during the inspection (see enclosed photos). The Facility's failure to properly contain, manage, investigate and correct the outbreaks was in violation of OAC Rule 3745-27-19(K)(1), which states:

   "*If a leachate outbreak occurs at the sanitary landfill facility, the owner or operator shall repair all outbreaks and do the following:*

(a) Contain and properly manage the leachate at the sanitary landfill facility.

(b) If necessary, collect and dispose of the leachate in accordance with paragraphs (K)(5) and (K)(6) of this rule.

(c) Take action to minimize, control, or eliminate the conditions which contribute to the production of leachate.

5. Scattered litter was observed in the surface water ditches along the north side of the facility and in the trees beyond the portable wind fencing. Some of the litter had been blown into surface water ditches and was covered in silt. Additionally, litter was observed in the sedimentation pond closest to the west expansion area (see attached photo). The Facility's failure to collect, contain and dispose of scattered litter is a violation of OAC Rule 3745-27-19(E)(9) which states:

   "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."

6. Surface water ditches contained large amounts of silting from soil that has eroded from the slopes of the Facility. The silting impedes the flow of water to the sedimentation pond and should be corrected to promote flow of run-off from the waste placement areas. The Facility's failure to maintain the surface water ditches is a violation of OAC Rule 3745-27-19(J)(1) which states:

   "The owner or operator shall ensure that a sanitary landfill facility is designed, constructed, maintained, and provided with surface water control structures that control run-on and runoff of surface water."

7. There were several areas of erosion within the west expansion area along the west and south slopes along with severe erosion along the northern slope. The Facility's failure to correct the erosion is a violation of OAC Rule 3745-27-19(J)(3) which states:

   "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."

8. The Facility was placing compost material over the solid waste as an alternative daily cover to prevent waste from blowing from the working face during this inspection. There was inadequate daily cover in areas adjacent to the working face as flagging waste was observed. The Facility's use of compost as an alternative daily cover is unapproved and therefore is a violation of OAC Rule 3745-27-19(F)(3)(a) which states:

"The owner or operator must obtain written approval to use solid waste for alternative daily cover prior to utilizing the solid waste."

9. At the time of this inspection the condition of the eastern section of the vertical expansion area which included part of the working face of the Facility 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 that twenty-four hours after unloading."

   Additionally the Facility's PTI#645474 (Narrative, page 16) explains how and when to apply daily cover to the working face of the landfill. The Facility's 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."

10. I observed large dust clouds from the haul roads as numerous vehicles came onto the Facility and into the working face. There were no water trucks being utilized during this inspection and Facility personnel had indicated that watering had not been necessary in several days. The Facility's failure to maintain the roadways in a manner to minimize dust production is a violation of OAC Rule 3745-27-19(E)(2)(a) which states:

    "The owner or operator shall construct and maintain all-weather access roads with the facility boundary in such a manner as to withstand the anticipated degree of use and allow passage of the loaded refuse vehicles at all times, with a minimum erosion and dust generation."

The Facility must immediately take the necessary measures to return to compliance with Ohio's environmental laws. Documentation should be submitted to this office demonstrating abatement of existing violations. Please be advised that violations cited above will continue until the violations have been properly abated.

Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to $10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, the city of Wilmington is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

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

Sincerely,

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

ML/tb

Enclosures: Inspection photos from October 23, 2012
Example MSW Daily Log Form 2

ec: Matt Johannes, Clinton County Health Department w/enclosures
Don Maher, Wilmington Sanitary Landfill w/enclosures

Municipal Solid Waste Landfill Facility Daily Log of Operations - Form 2

(Log Required by OAC 3[illegible]19(E)(10))

Facility: [redacted]

Date: 10/12/2011

Unique vehicle ID #	Waste Type: *A, CD, MSW, RSW, ISW, EW, U, SSR	Amount of Waste (Tons or yd³) Within District (a)	Out of District (b)	Out of State (c)	Transfer Facility or Direct Haul? Waste from Transfer Facility? (Y or N)	Name of Transfer Facility	Waste Origin (if direct hauled) OR Location of Transfer Facility (if transferred waste) City (optional)	County	State	Generator (for all but MSW)	Name of Hauling Company
409222	MSW		1.26		N			GREENE	OH		WM OF OHIO MA CARRIERS
408284	MSW		1 36		N			GREENE	OH		WM OF OHIO MA CARRIERS
207574	MSW	9 09			N			MONTGOMERY	OH		FAIRBORN HAULING
413309	MSW		2.00		N			GREENE	OH		WM OF OHIO MA CARRIERS
8261	ISW	22 11			N			MONTGOMERY	OH	MONTGOMERY COUNTY WESTERN REGIONAL	SYNAGRO
210579	MSW		12 30		N			CLARK	OH		FAIRBORN HAULING
375	EW	18.12			N			MONTGOMERY	OH	CARGILL INC.	STICKLEY
89	ISW	21 53			N			MONTGOMERY	OH	FAIRBORN WATER RECLAMATION CTR	JOURNEY LTD
207573	MSW	8.39			N			MONTGOMERY	OH		DAYTON HAULING
410972	MSW		4.02		N			WARREN	OH		WM OF OHIO MA CARRIERS
209459	MSW		9.01		N			WARREN	OH		FAIRBORN HAULING
206074	MSW	9 68			N			MONTGOMERY	OH		DAYTON HAULING
206841	MSW		10 80		N			GREENE	OH		FAIRBORN HAULING
208362	MSW	8 18			N			MONTGOMERY	OH		DAYTON HAULING
409337	MSW	7 98			N			MONTGOMERY	OH		WM OF OHIO MA CARRIERS
408618	ISW	3 95			N			MONTGOMERY	OH	KETTERING MEDICAL CENTER	WM OF OHIO MA CARRIERS
362410	MSW		8 11		N			CLARK	OH		FAIRBORN HAULING
209460	MSW		1.50		N			GREENE	OH		FAIRBORN HAULING
209460	MSW		6 10		N			GREENE	OH		FAIRBORN HAULING
651863-814	MSW		17.51		N			GREENE	OH		WM OF OHIO MA CARRIERS
209461	MSW	12 52			N			MONTGOMERY	OH		DAYTON HAULING
411786	MSW	2 36			N			MONTGOMERY	OH		WM OF OHIO MA CARRIERS
409199	ISW	8 23			N			MONTGOMERY	OH	CARGILL	WM OF OHIO MA CARRIERS
208772	MSW	9.53			N			MONTGOMERY	OH		DAYTON HAULING
406630	ISW		5.46		N			WARREN	OH	ATLAS ROOFING	WM OF OHIO MA CARRIERS
210393	MSW		4 95		N			CLARK	OH		FAIRBORN HAULING
210393	MSW		7.42		N			CHAMPAIGN	OH		FAIRBORN HAULING
210562	MSW	11 89			N			MONTGOMERY	OH		FAIRBORN HAULING
206767	MSW	9 21			N			MONTGOMERY	OH		FAIRBORN HAULING
8261	ISW	22 41			N			MONTGOMERY	OH	MONTGOMERY COUNTY WESTERN REGIONAL	SYNAGRO
411785	ISW	4 31			N			MONTGOMERY	OH	PSB COMPANY	WM OF OHIO MA CARRIERS
408177	MSW	3 15			N			MONTGOMERY	OH		WM OF OHIO MA CARRIERS
411109	MSW	4 73			N			MONTGOMERY	OH		WM OF OHIO MA CARRIERS
176	ISW		11 37		N			WARREN	OH	SUPERIOR MILL SERVICE	DUMP TRUCK
2	MSW		3 88		N			CLARK	OH		WITTENBURG UNIVERSITY
409222	MSW		4 74		N			GREENE	OH		WM OF OHIO MA CARRIERS
408617	MSW		2 93		N			CLARK	OH		WM OF OHIO MA CARRIERS
409337	MSW	6 81			N			MONTGOMERY	OH		WM OF OHIO MA CARRIERS
210695	MSW	11 39			N			MONTGOMERY	OH		FAIRBORN HAULING
206768	MSW		11 66		N			GREENE	OH		FAIRBORN HAULING
411943	MSW		1 23		N			CLARK	OH		WM OF OHIO MA CARRIERS
413309	MSW		3 60		N			GREENE	OH		WM OF OHIO MA CARRIERS
210733	MSW	12 07			N			MONTGOMERY	OH		FAIRBORN HAULING
408618	MSW	0 42			N			MONTGOMERY	OH		WM OF OHIO MA CARRIERS
89	ISW	22 82			N			MONTGOMERY	OH	FAIRBORN WATER RECLAMATION CTR	JOURNEY LTD

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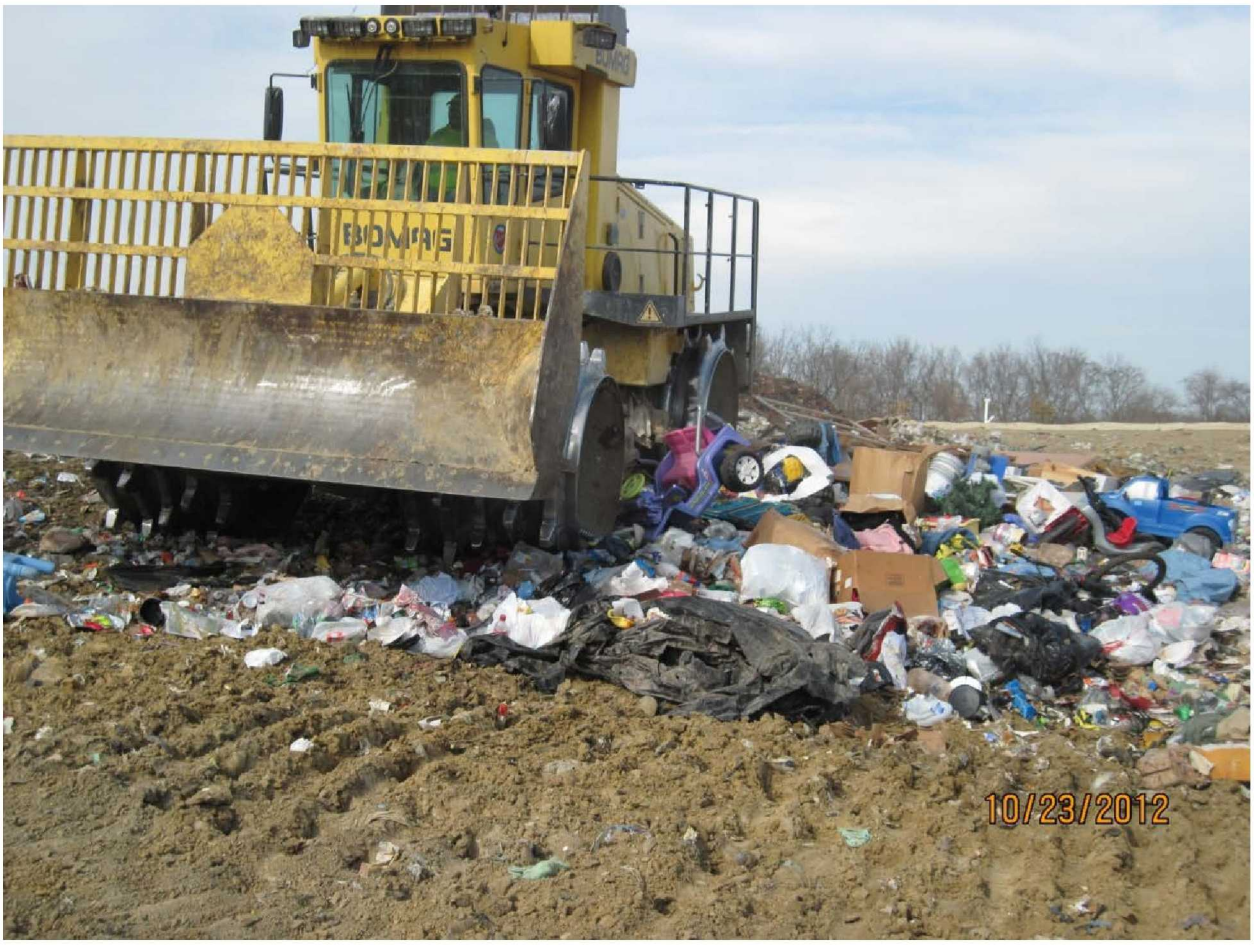
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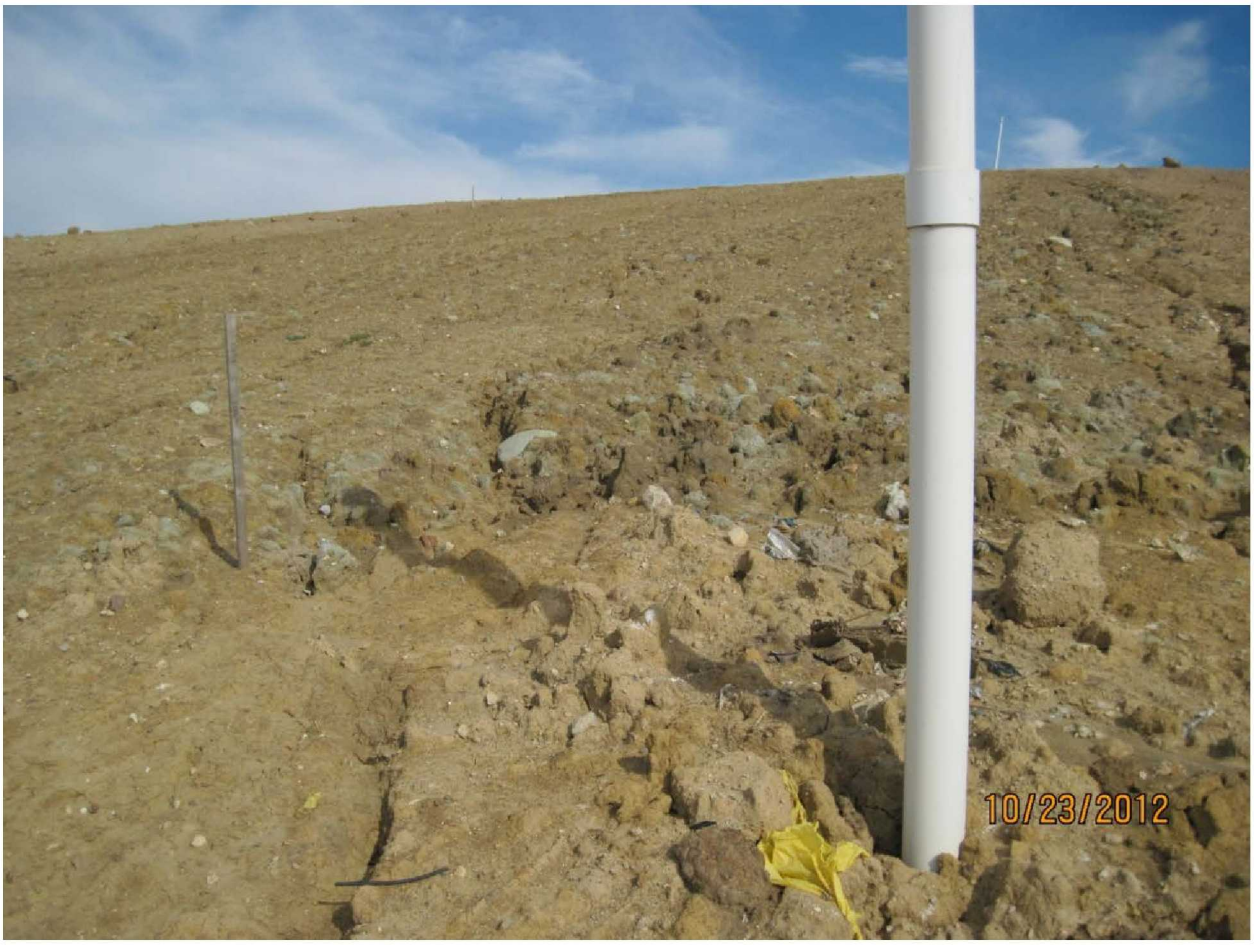
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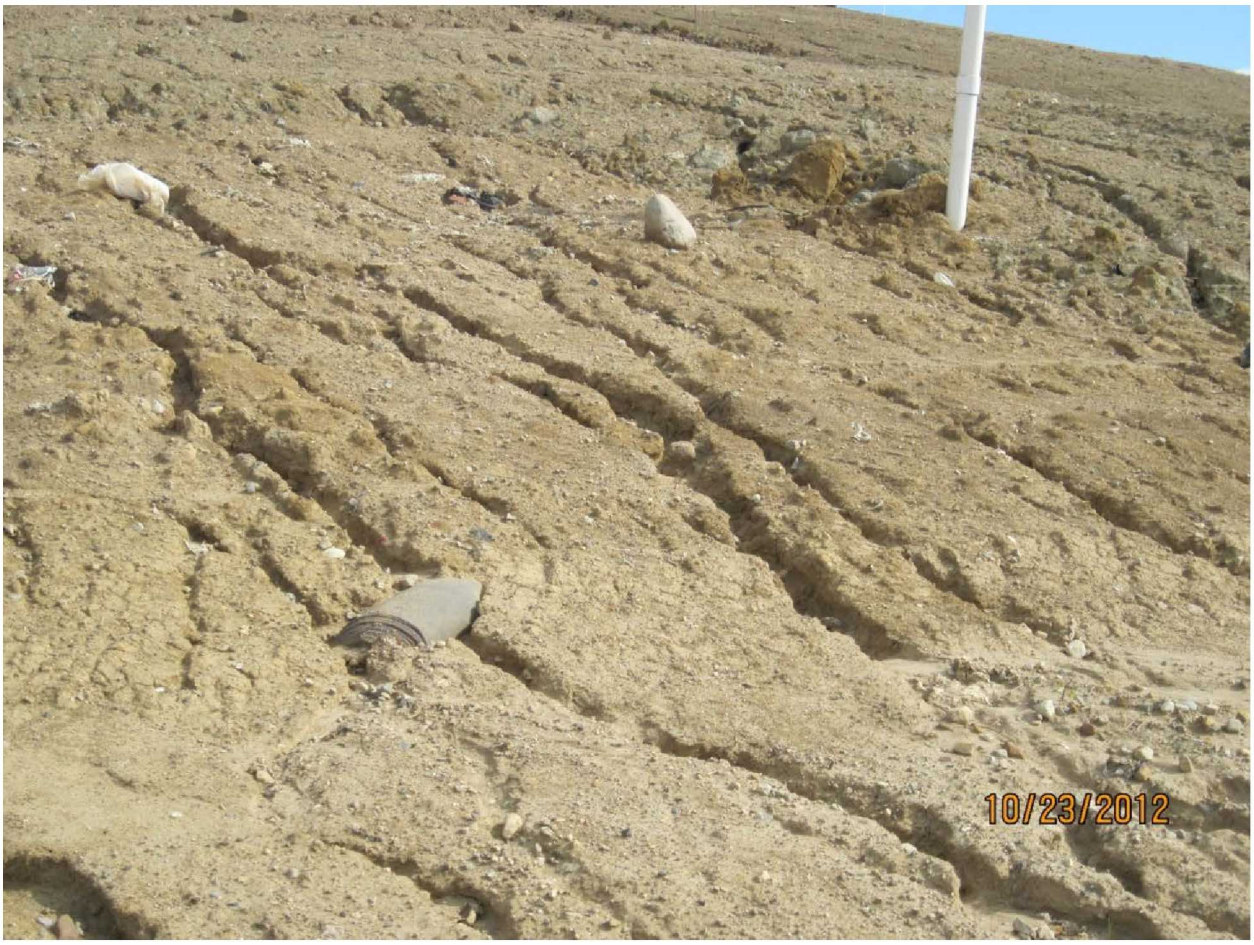
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