



Environmental
Protection Agency

Ed Strock, Governor
Lee Fisher, Lt. Governor
Chris Kortesi, Director

April 13, 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 March 29, 2010, I conducted an inspection of Wilmington Sanitary Landfill (Facility) located in Clinton County. During the inspection, I was 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. The working face during this inspection was located in the central 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 northern section of the phase 1 vertical expansion area (see Figure 1), resulting in several pieces of flagging waste. Therefore, despite efforts to return to compliance, **the current condition of the northern section of the Facility and the 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."

Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 6249 (fax)
www.epa.ohio.gov



Figure 1: Flagging waste in northern section of Facility

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. Leachate outbreaks were observed on the southern and western slopes of the west expansion area (see Figures 2 and 3). Prior to the inspection, the operator indicated that he had been working to correct an outbreak on the southern slope the previous week. Despite his efforts to correct this problem, **the 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."

Additionally, leachate outbreaks are addressed in the PTI #05-3708 Narrative, section 8.5.2 (page 51). **Failure to properly manage and correct a leachate outbreak is a violation of the PTI which states in part:**

"Leachate seeps occurring on or adjacent to the landfill area shall be promptly repaired and handled in accordance with the following provisions:

1. Leachate emanating from the seep area shall be contained and properly managed at the landfill facility in a manner appropriate to the volume of seepage. Earthen berms or similar containment material shall be used to prevent migration of the seep and minimize potential environmental impact.
2. If necessary, leachate shall be collected and removed from the seep area for disposal.
3. Actions shall be taken to minimize, control, or eliminate the conditions which contribute to the production of leachate in the seep area."



Figure 2: Leachate running down southern exterior slope



Figure 3: Leachate running down the western exterior slope

Returning to 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 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 937-285-6049.

Sincerely,

Michelle Ackenhausen
District Engineer
Division of Solid & Infectious Waste Management

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

MA/ca