



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 17, 2013

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

**RE: Wilmington Sanitary Landfill, Clinton County
2012 Annual Operational Report
Notice of Violation**

Dear Mayor Riley:

On April 1, 2013, this office received the 2012 Wilmington Sanitary Landfill Annual Operational Report from Hull and Associates (HAI). It was submitted on behalf of the Wilmington Sanitary Landfill (Facility). According to Plate 2 of the 2012 Annual Report, waste placement exceeded approved permit elevations in an area on the south slope of the landfill. Ohio EPA records show that construction and operation of the Facility are authorized by PTI #645474, issued on January 8, 2009.

Ohio Administrative Code (OAC) Rule 3745-27-19(M)(1)(i) requires the following information to be included in the Annual Report:

"A comparison of the actual vertical and horizontal limits of emplaced waste to the vertical and horizontal limits of waste placement authorized in the applicable authorizing documents, including an approved permit to install, plan approval, or operational report. If emplaced waste exceeds the limits of vertical and horizontal waste placement authorized in the applicable authorizing documents, this comparison shall include a topographic map which delineates the areal extent of emplaced waste that exceeds approved limits specified in such authorizing documents. In addition, the topographic map shall contain notes that indicate the following information for waste exceeding authorized limits of waste placement: the maximum estimated volume, the maximum depth, and the average depth".

Notes were not included on the topographic map to indicate the maximum estimated volume, the maximum depth, or the average depth of the waste which exceeded authorized limits of waste placement.

Based upon the information provided to date, the Facility is in violation of the PTI approved waste limits, as well as 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 permit(s) to install....”

In addition to the waste identified by HAI to be in excess of the authorized vertical limits of waste placement as noted on the topographic map, during the review of this map, other areas, not identified by HAI, appear to have the potential to be filled above the authorized vertical limits of waste placement.

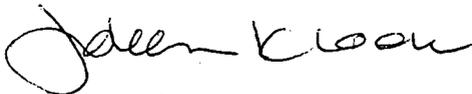
On June 6, 2013, an email was sent to you and HAI requesting additional information to accurately establish the relationship of emplaced waste limits to authorized waste limits. To date, Ohio EPA has received no additional information.

Please submit the required information and establish a plan under which the Facility will be brought into compliance. At a minimum, the submittal should include a topographic map clearly showing:

- the current emplaced waste elevations compared to the authorized limits of waste placement for all waste determined to exceed the authorized limits of waste placement, the maximum estimated volume, the maximum depth and the average depth;
- the methods to be used by the Facility to remove the waste;
- a timeline for the work to be completed.

If you have any questions, please contact me at (937) 285-6071.

Sincerely,



Joleen K. Cook
District Engineer
Division of Materials and Waste Management

JKC/tb

cc: Matt Johannes, Clinton County Health Department
Don Maher, Wilmington Sanitary Landfill
Baba Yahaya, Hull & Associates, Inc.