



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

June 18, 2013

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 May 7, 2013, I conducted a joint inspection of the Wilmington Sanitary Landfill (Facility) with Matt Johannes of the Clinton County Health Department. During the inspection, we were accompanied by Matt Boyer of the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM) and Don Maher, Superintendent of Sanitation for the city of Wilmington. This inspection was conducted to determine compliance with Ohio EPA's Solid Waste Regulations. Ohio EPA records show that construction and operation of the Facility is authorized by Permit to Install #645474 (issued January 8, 2009) and Permit to Install #05-3708 (issued January 17, 1995).

The following observations were noted and discussed with the operator during this inspection and were also documented with photographs:

1. In addition to the forms required by Ohio EPA, the Facility utilizes Hull and Associates forms titled Daily Operations Checklist and Alternative Daily Cover Use Compliance Checklist. Upon inspection of these forms, there were numerous dates (April 23rd, 24th, 25th, 26th, 29th, and 30th; May 1st, 2nd and 3rd) that noted the Facility's use of an alternate daily cover (ADC) instead of soil. The Facility's ADC authorization for the LandPac Tarp was issued on April 20, 2010, and expired on April 20, 2013. The Facility's use of the LandPac Tarp during the aforementioned dates was unapproved and is therefore a violation of Ohio Administrative Code (OAC) Rule 3745-27-19(F)(3)(b) which states in part:

"The director may approve alternative materials, other than solid waste, or other thicknesses for daily cover if the owner or operator can demonstrate to the satisfaction of the director that the proposed alternative material or thickness

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provides protection that is comparable to six inches of soil and is protective of human health and the environment. The owner or operator must obtain written approval to use an alternative material or thickness for daily cover prior to utilizing the alternative material or thickness.”

The Facility’s failure to apply the minimum six inches of soil as daily cover to the working face during the aforementioned dates is also a violation of OAC Rule 3745-27-19(F)(1) 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 that twenty-four hours after unloading.”

Additionally, 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.”

2. During this inspection the LandPac Tarps were stretched out over an area where filling has not taken place for at least 30 days. Upon inspection, there appeared to be intermediate soil cover beneath the tarp. Mr. Maher indicated that the LandPac Tarps were being dried out at the time of our inspection. As a reminder, the Facility’s ADC approval has expired and until an authorization from the director is received, the ADC shall not be used at the Facility. On May 24, 2013, Ohio EPA, Southwest District Office received a request from the City to use an ADC at the Facility; however, this request is currently under review and has not yet been approved.
3. Inadequate intermediate cover was placed over the municipal solid waste on the north, west and south slopes of the Facility, resulting in exposed waste and erosion channels (See Figures 1, 2, 3 and 4).



Figure 1: North Slope- Erosion and exposed waste



Figure 2 West slope erosion view looking down the slope toward the compost facility



Figure 3: Close up of the exposed waste in an erosion channel on the west slope



Figure 4: South slope erosion channels and leachate running down the slope

The conditions of the north, west and south slopes of the Facility at the time of the May 7, 2013, 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 nonputrescible 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."

PTI #05-3708 (Narrative, page 34) explains how to use intermediate cover at the landfill. The Facility's failure to cover waste that has been exposed for more than 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. There were several areas of erosion within the west expansion area along the north, west and south slopes. The Facility's failure to correct the erosion is a violation of OAC Rule 3745-27-19(J)(3) which states in part:

"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."

5. There were several leachate outbreaks observed along the north slope of west expansion area. There was evidence that at least two (2) of the leachate outbreaks were in areas of previous repairs due the presence of straw on the cover in those locations (See figures 5, 6 and 7). Multiple leachate outbreaks were observed along the west slope. The straw bales in the center of the west slope were saturated by leachate that continued to run down the west slope toward the lower level of the slope (See figures 8 and 9). There was also a leachate outbreak observed near the middle of the southwestern corner of the Facility. Leachate was observed flowing down an erosion channel on the south slope toward the base of the slope (See Figure 4).

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."



Figure 5: Leachate outbreak on the north slope



Figure 6: Leachate outbreak on the lower northeastern section of the north slope

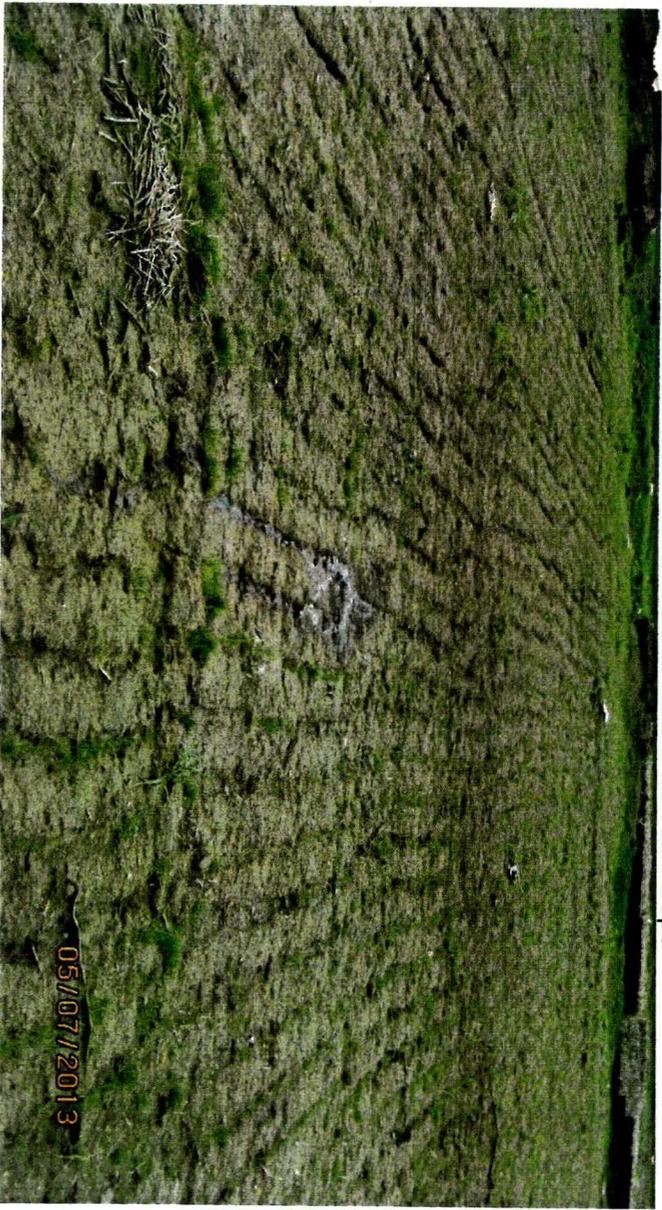


Figure 7: Leachate outbreak on the middle of the north slope of the west expansion area

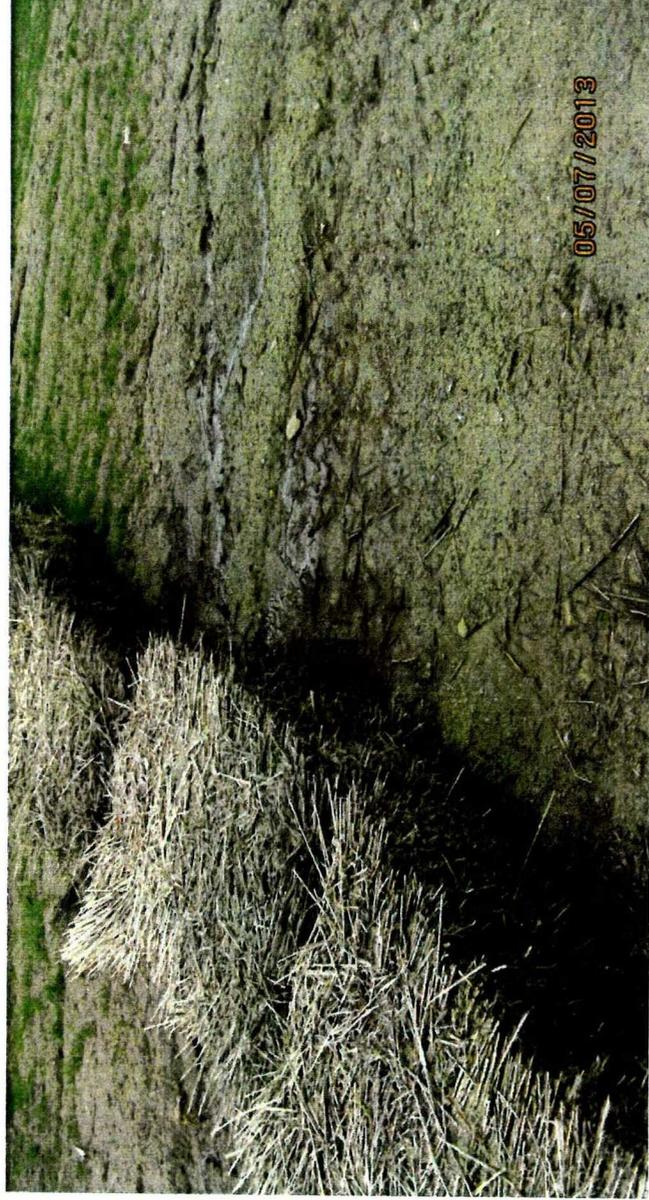


Figure 8: Leachate outbreak leaching through the saturated straw bale on the west slope

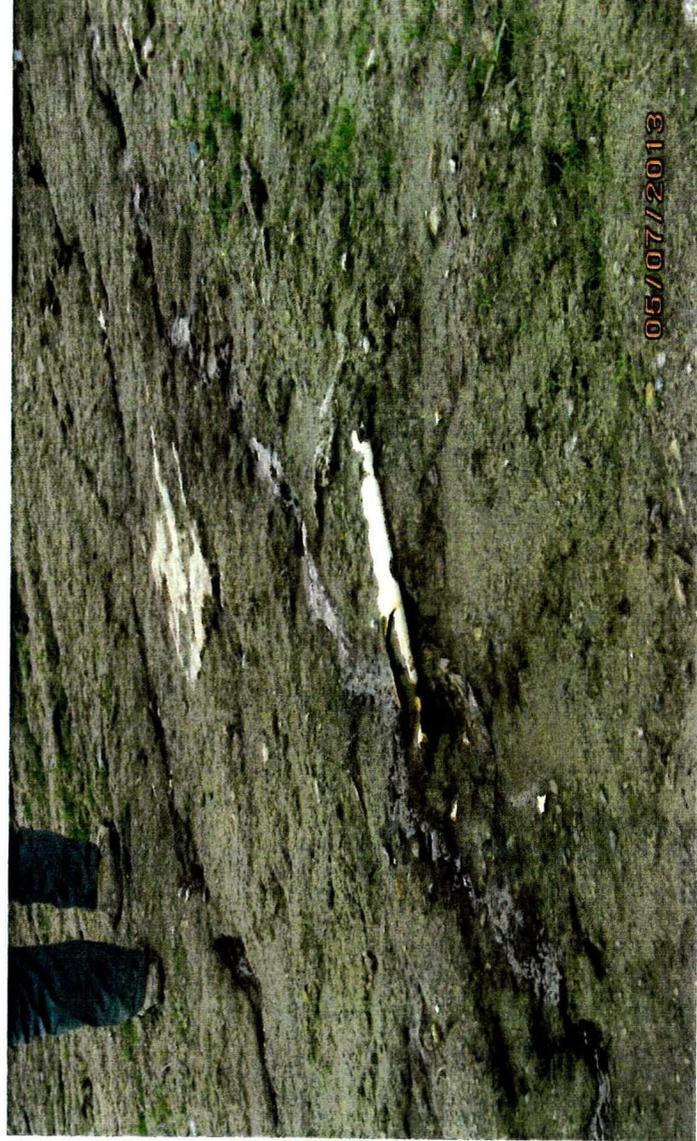


Figure 9: Leachate outbreak on the west slope

6. Upon inspection of the daily log forms, there was no written documentation of the corrective actions taken by the Facility for ponding, erosion and leachate outbreaks for the months of April and May 2013. Additionally, there were no

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notations that leachate and erosion had been found during the Facility's daily inspections. Mr. Maher indicated during the May 7, 2013, inspection that the leachate outbreaks had been there awhile and that he planned to work on them as soon as the weather permitted; however, there were no notes on Ohio EPA's Municipal Solid Waste Landfill Facility Daily Log of Operations - Form 3. The Facility's failure to document daily inspection results and corrective actions on Ohio EPA's Municipal Solid Waste Landfill Facility Daily Log of Operations - Form 3 is a violation of OAC Rule 3745-27-19(E)(11)(a) which states:

"The owner or operator shall inspect the sanitary landfill facility at least daily for ponding, erosion, and leachate outbreaks. Written results of the inspections, including a discussion of any corrective actions taken, the date, and weather conditions, shall be recorded on the daily log forms required pursuant to paragraph (E)(10) of this rule and shall be made available to the health commissioner or the director upon request."

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.

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

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

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CITY OF WILMINGTON
69 N SOUTH ST
WILMINGTON OH 45177

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