



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

July 9, 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 June 28, 2013, Joleen Cook and I from the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM) conducted a re-inspection of the Wilmington Sanitary Landfill (Facility) to determine if violations identified in Ohio EPA Notice of Violation letter dated June 18, 2013 had been corrected. We were accompanied by Matt Johannes of the Clinton County Health Department. Don Maher, Superintendent of Sanitation for the City of Wilmington was in the office and was unable to accompany us during this inspection. However, a closing conference was held with Mr. Maher. 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 a closing conference and were also documented with photographs:

1. Upon inspection of the daily log forms, there was written documentation of the corrective actions taken by the Facility for ponding, erosion and leachate outbreaks during the month of June 2013. Please continue to utilize the notes section on Ohio EPA's Municipal Solid Waste Landfill Facility Daily Log of Operations - Form 3 to properly document daily inspection results and corrective actions being taken at the Facility.
2. The LandPac Tarps were stretched out over an area on the north side of the registered Class IV Compost Facility (See Figure 1). As a reminder, the Facility's alternative daily cover (ADC) approval has expired and the ADC shall not be used at the Facility until an authorization from the director is received. On May 24, 2013, Ohio EPA, Southwest District Office did receive a request from the Facility operator to use an ADC at the Facility; however, this request is currently under review.



Figure 1: LandPac Tarp on the north side of the Class IV Compost Facility

3. Inadequate intermediate cover was placed over the municipal solid waste on the northern section of Phase 2, and over the north, west and south slopes of Phase 1, resulting in exposed waste and erosion channels (See Figures 2, 3, 4, 5, 6 and 7). Additionally, there was a small area on the east side of Phase 1 near the litter control fence that had exposed waste due to inadequate intermediate cover (See Figure 8).



Figure 2: Inadequate intermediate cover and erosion on the north slope of Phase 1



Figure 3: Northern section of Phase 2- Erosion and exposed waste (as indicated above)

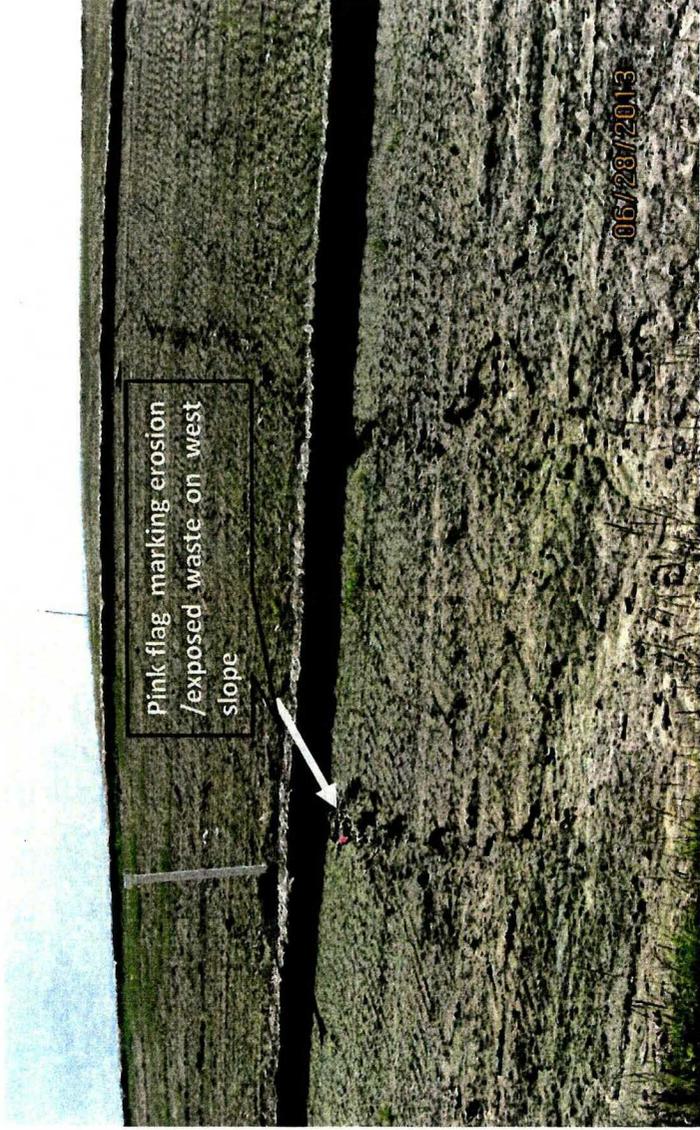


Figure 4: West slope of Phase 1 - erosion view looking up the slope

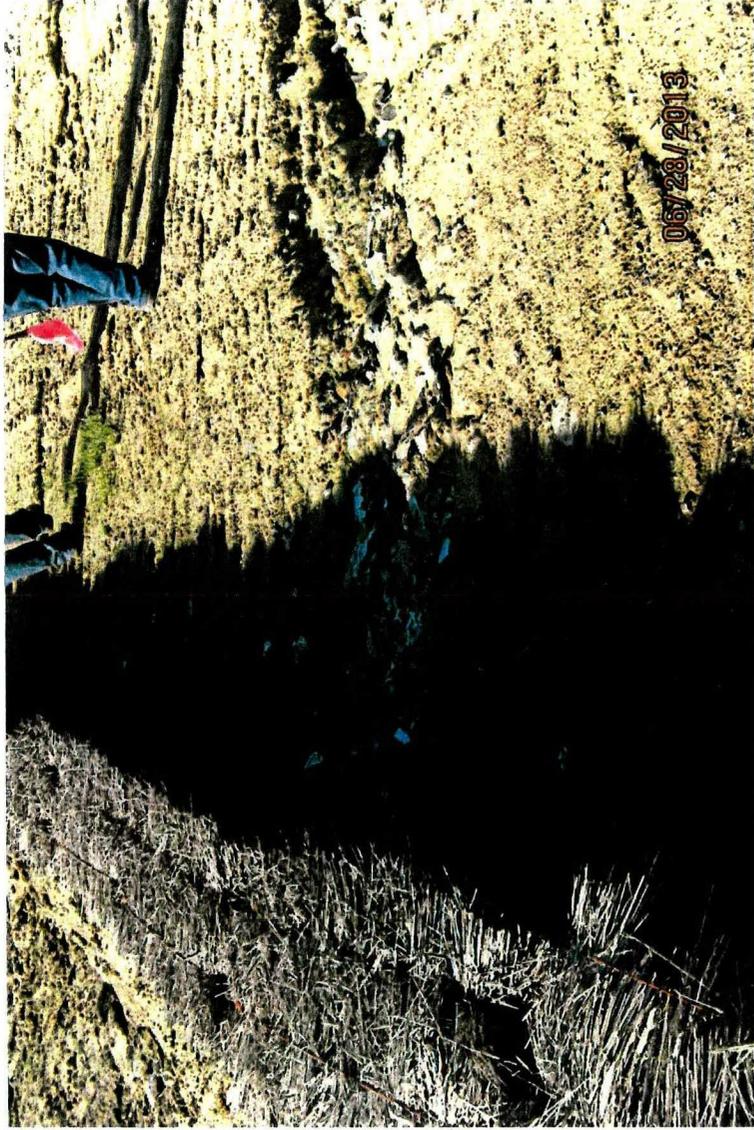


Figure 5: Exposed waste beneath the bottom row of straw bales on the west slope

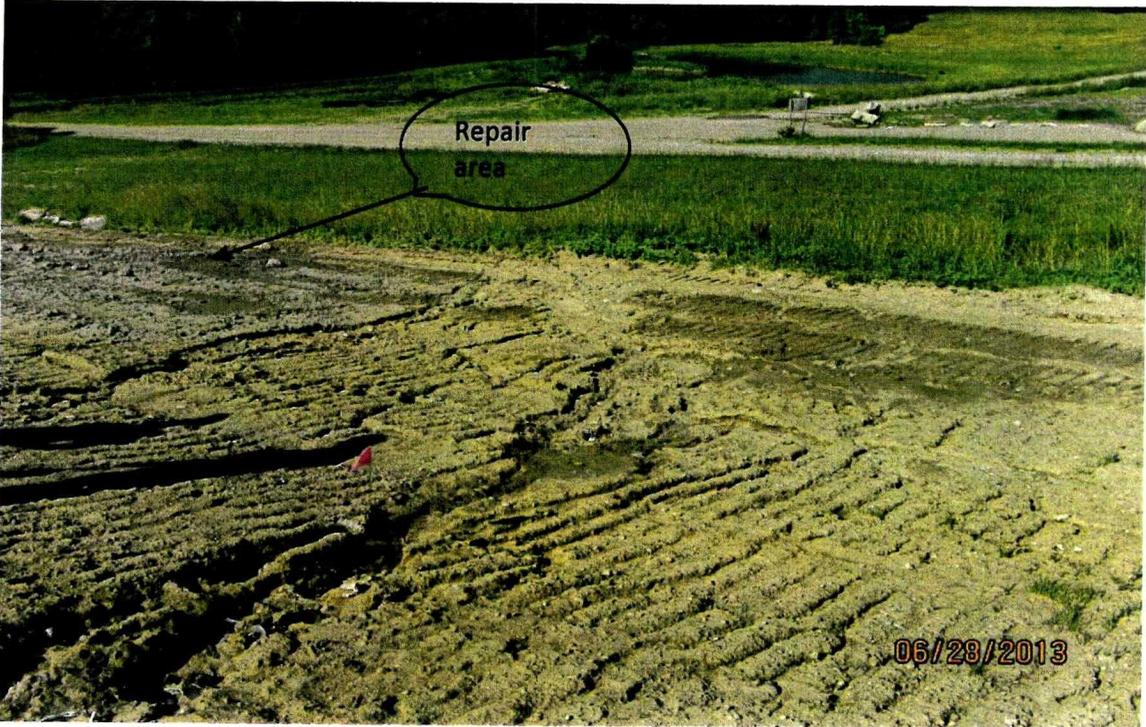


Figure 6: Former leachate outbreak repaired south of the erosion/exposed waste on west slope Phase 1



Figure 7: South slope Phase 1- erosion channels



Figure 8: Exposed waste on the east side of Phase 1 near the litter control fence

The conditions of the north, west and south slopes of the Facility at the time of the June 28, 2013 inspection are in violation of Ohio Administrative Code (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.”

This is also a violation of 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, including permit to install, a plan approval, an operational report, an approved closure plan, an alteration concurred with in writing by Ohio EPA, or any authorizing document listed in paragraph (l) of rule 3745-27-09 of the Administrative Code...”

4. There were several areas of erosion along the north, west and south slopes of the Facility. 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 four (4) leachate outbreaks observed along the top of the southwest corner at the Facility. During the May 7, 2013 site visit, seventeen leachate outbreaks were observed at the Facility. On this re-inspection, all previous leachate outbreaks had been repaired, however; there were four outbreaks noted, one of which was in an area which was previously repaired. (See Figures 9 &10).

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 9: Leachate outbreak on the south slope

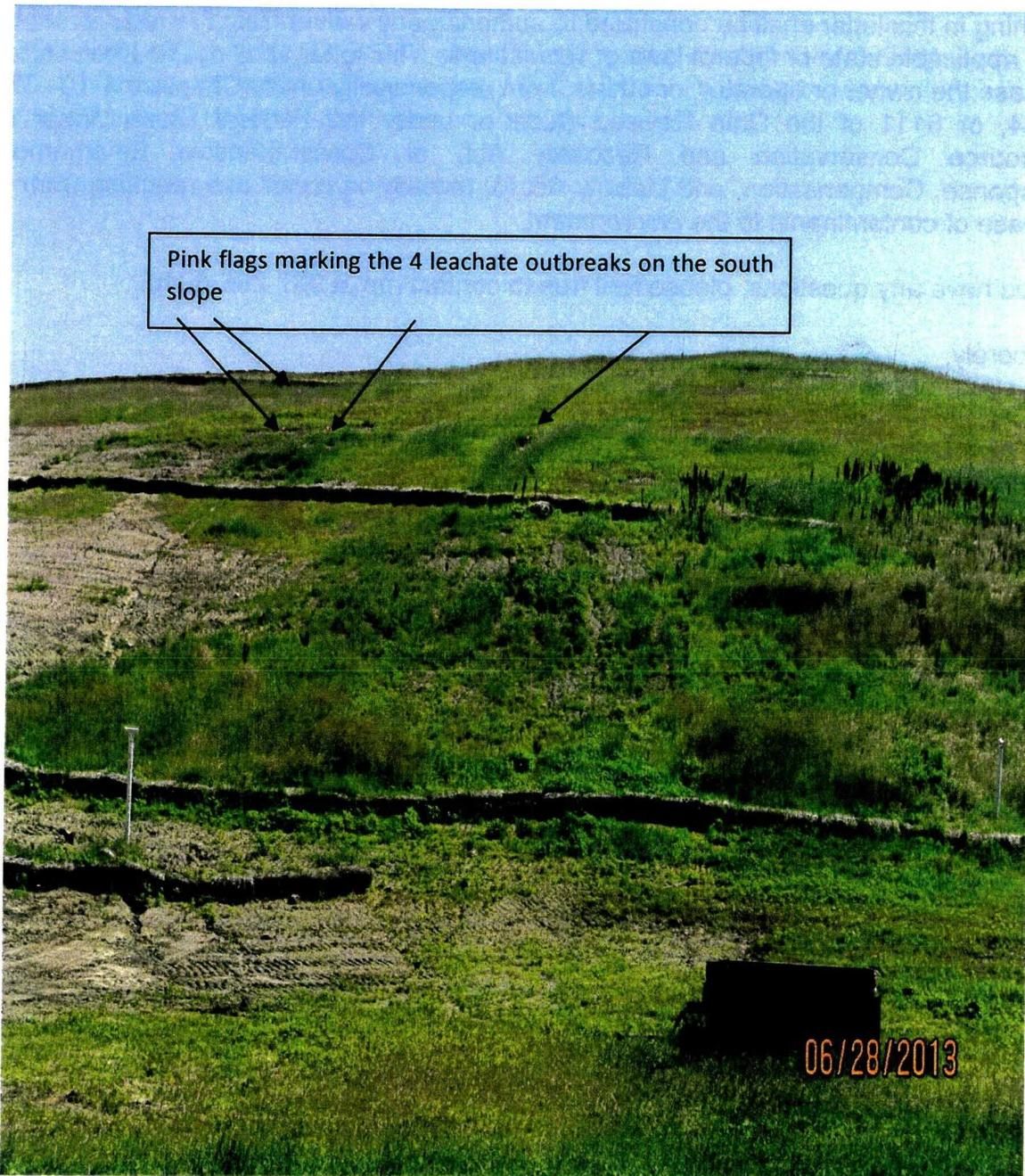


Figure 10: Leachate outbreak on the middle of the north slope of the west expansion area

The Facility must immediately take the necessary measures to return to compliance with Ohio's solid waste laws and regulations. Documentation should be submitted to this office demonstrating abatement of existing violations. The Facility may note the repairs and submit copies of the daily logs and photos as evidence of the corrections. Please be advised that violations cited above will continue until they have been properly corrected.

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,

A handwritten signature in blue ink that reads "Maria Lammers, R.S." with a stylized, cursive script.

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

ML/kb

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

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