



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

December 18, 2019

City of Wilmington  
69 North South Street  
Wilmington, Ohio 45177

**Re: Wilmington Sanitary Landfill  
Permit - Long Term  
Approval  
Municipal Solid Waste Landfills  
Clinton County  
MSWL018744**

**Subject: Final Permit to Install Application for Wilmington Sanitary Landfill**

Dear Madam or Sir:

The Ohio Environmental Protection Agency, pursuant to Ohio Administrative Code Rule 3745-27-02 and the rules adopted thereunder, has reviewed the application for a permit with accompanying detail plans, specifications and/or information (hereinafter referred to as "application") regarding the above-referenced facility. This application has been approved by the Director subject to the conditions of compliance contained in the permit approval enclosed herewith and with all applicable laws, rules and standards. All construction must be supervised by an engineer or expert qualified in such work. Because the permit approval contains conditions of compliance, I urge you to read it carefully. Also enclosed is a Response to Comments.

You are requested to submit within thirty (30) days of the date of issuance of this Permit to Install, the required permit fee balance of thirty one thousand six hundred nineteen dollars and seventy two cents (\$32,019.72 - \$400.00 application fee = \$31,619.72), payable to **Treasurer, State of Ohio**. Please send the required payment to:

Ohio Environmental Protection Agency  
Permit to Install Fee  
Dept L-2711  
Columbus, OH 43260-2711

Payment of the fee balance within 30 days is a requirement of ORC Sections 3745.11 (Q) and (V). Failure to timely submit the required permit fee will result in an assessment of late penalties.

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
30 East Broad Street, 4th Floor  
Columbus, Ohio 43215

If you have any questions, please contact the Ohio EPA District Office to which you submitted your application.

Sincerely,



Jeri Main,  
Division of Materials and Waste Management

Enclosure

Ec: Jessica Hirashima, DMWM, CO  
Jeremy Carrol, DMWM, CO  
Brad Gerberick, DMWM, SWDO  
Jay Cavender, DMWM, SWDO  
Joshua Jackson, DSW, SWDO  
Bonnie Pray, DAPC, SWDO  
Michelle Ackenhausen, DMWM, SWDO  
Heather Lauer, PIC, CO  
Brian Shidaker, bshidaker@wilmingtonoh.org

# OHIO ENVIRONMENTAL PROTECTION AGENCY

## PERMIT TO INSTALL

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Application Number: 05-14389  
Application Received: July 21, 2006  
Permit Fee: \$32,019.72  
Permit Fee Balance: \$31,619.72

Applicant: City of Wilmington  
Address: 69 North South Street  
Wilmington, OH 45177

Facility: Wilmington Sanitary Landfill

Location: The facility is located on the west side of South Nelson Avenue, approximately one half-mile south of State Route 22 at 397 South Nelson Avenue, Clinton County.

Permit: Vertical and Lateral Expansion

Issuance Date: DECEMBER 18, 2019

Effective Date: DECEMBER 18, 2019

Ohio EPA DEC 18 '19  
Entered Directors Journal

The above-named entity is hereby issued a final permit to install (permit) for the above-described source pursuant to Ohio Administrative Code (OAC) Rule 3745-27-02. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed and/or modified in accordance with the plans, specifications, and/or information accompanying the permit application, the above-described source of environmental pollutants will operate in compliance with applicable state and federal laws, rules, and regulations, and does not constitute expressed or implied assurances that, if constructed and/or modified in accordance with those plans, specifications, and/or information accompanying the permit application, the above-described source of environmental pollutants will be granted the necessary operating permits and/or licenses. This permit is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Ohio Environmental Protection Agency



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Laurie A. Stevenson, Director

### **PERMIT SUMMARY**

This permit-to-install (PTI Number 05-14389) authorizes a vertical and lateral expansion of the Wilmington Sanitary Landfill (Facility), an existing municipal solid waste landfill in Clinton County. The city of Wilmington is the applicant for the permit and the owner and operator of the Facility.

This expansion creates an additional 3,201,972 cubic yards of permitted airspace for a total capacity of 5,147,929 cubic yards, including a 24-acre increase in area for a total footprint of 45 acres at the Facility. The anticipated remaining life of the Facility is 25.8 years based on the Facility's authorized maximum daily waste receipt of 195 tons, or 45.8 years based on the Facility's anticipated average daily waste receipt of 59 tons.

The Facility is incorporating into its construction such features as a composite (recompacted soil and flexible membrane) liner system, a leachate collection system, a surface water management system, a ground water monitoring system, an explosive gas monitoring system, an explosive gas extraction system, and a final closure cap system. The permit also incorporates 30 years of post-closure care and financial assurance for closure and post-closure care.

This summary is provided solely for informational purposes and does not constitute a part of, or otherwise affect, the attached permit.

### **PERMIT CONDITIONS**

1. The Director of the Ohio Environmental Protection Agency (Ohio EPA), or an authorized representative, may enter upon the premises of the above-named applicant (permittee) at any reasonable time during construction and operation for the purpose of making inspections, conducting tests, or examining records or reports pertaining to the construction, modification, or installation of the above-described source of environmental pollutants (municipal solid waste disposal facility).
2. The Facility shall be constructed in strict accordance with the plans, specifications, and information submitted to Ohio EPA, which constitute this permit. There shall be no deviation from the approved permit or the permit conditions without the express written approval of Ohio EPA. Any deviation from the approved plans or the permit conditions may lead to sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the Facility will operate in compliance with all Ohio laws and regulations. Additional landfill components shall be installed upon orders of Ohio EPA if the Facility is inadequate or cannot meet applicable standards.

3. Issuance of this permit does not relieve the permittee of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
4. This permit shall apply only to the Facility shown on the plans specifications and information submitted as part of PTI Number 05-14389 received on July 21, 2006, with subsequent revisions received through September 19, 2019.
5. This permit may be modified, or alternatively revoked and reissued by the Director, to comply with any revisions to OAC Chapter 3745-27 applicable to this municipal solid waste disposal facility.
6. The permittee shall provide for the proper maintenance and operation of the Facility in accordance with the provisions of OAC Chapter 3745-27.
7. Nothing in this permit shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This permit shall not be interpreted to release the permittee from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.
8. This permit does not authorize the acceptance of any hazardous or infectious wastes, except for those excluded from hazardous or infectious waste regulation by ORC Chapter 3734.
9. This permit does not authorize the acceptance of any asbestos or asbestos-containing waste material that is subject to the provisions of NESHAP, 40 CFR Part 61, Subpart M. No such asbestos or asbestos-containing waste material may be accepted without first obtaining the necessary permits from Ohio EPA.
10. Not later than seven (7) days prior to starting any construction authorized by this permit, the permittee shall submit to Ohio EPA, Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) written notification of the anticipated construction start date so that construction of this Facility can be routinely inspected by Ohio EPA, DMWM, SWDO.
11. The permittee shall perform the following activities during construction and operation of the Facility in accordance with the cited provisions of OAC Chapter 3745-27 as follows:



- a. The pre-construction tests required by OAC Rule 3745-27-08(D) shall be performed, and the test results submitted to Ohio EPA, DMWM, SWDO not later than seven (7) days prior to the intended use of the materials in construction.
  - b. The pre-construction interface tests required by OAC Rule 3745-27-08(G) shall be performed, and the test results submitted to Ohio EPA, DMWM, SWDO not later than seven (7) days prior to the intended use of each geosynthetic material authorized by this permit.
  - c. The construction certification report required by OAC Rule 3745-27-08(H) shall be submitted to Ohio EPA, DMWM, SWDO not later than forty-five (45) days prior to the anticipated date of waste receipt in any newly constructed areas. Pursuant to OAC Rule 3745-27-19(C)(1), the permittee shall not accept waste in a phase until Ohio EPA, DMWM, SWDO provides written concurrence of the construction certification report for that phase.
12. The permittee shall provide for the following inspections and facility maintenance:
- a. The permittee shall provide for daily inspection of the Facility and completion of the Municipal Solid Waste Landfill Daily Log of Operations, Form 3. Written results of the inspections, including any corrective measures employed, shall be made available to Ohio EPA, DMWM, SWDO upon request.
  - b. Surface water control structures, including sedimentation basins, sedimentation basin discharge structures, pipes, ditches, and culverts, shall be inspected weekly for erosion, clogging, or failure and prompt corrective action shall be taken if necessary. Written results of the inspections, including a discussion of any corrective action taken, any water quality samples taken, the date and weather conditions, shall be recorded on the Municipal Solid Waste Landfill Daily Log of Operations, Form 4. The information shall be maintained on site and submitted to Ohio EPA, DMWM, SWDO upon request.
  - c. To ensure proper operation of the sedimentation basin(s), the basin(s) shall be cleaned out as specified in PTI No. 834830 or when the volume of the settled particles necessitates cleaning based on inspection results or to maintain the storage volume required by OAC Rule 3745-27-08(D)(3).

13. The permittee shall not conduct leachate recirculation at the Facility without prior written approval from Ohio EPA.
14. The permittee shall not store leachate in the landfill without written authorization from the Director as specified in OAC Rule 3745-27-19(K)(4). The permittee shall be viewed to be storing leachate if the leachate accumulates to an elevation above the design standard (a maximum of one foot of head above the top elevation of the sump) and the sump pump is not running.
15. Prior to excavation or construction activities in areas subject to Sections 401 and/or 404 of the Clean Water Act (33 United States Code Sections 1341 and 1344), the permittee shall obtain all applicable permits and approvals and shall submit copies to Ohio EPA, DMWM, SWDO.
16. Prior to excavation or construction activities subject to ORC Section 6111.021, which may impact isolated wetlands, the permittee shall obtain all applicable permits and approvals. Obtaining appropriate authorization from Ohio EPA does not alleviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
17. The Facility's authorized maximum daily waste receipt (AMDWR) is established to be 195 tons. The permittee shall not accept more than 195 tons of solid waste per day for disposal at the Facility.
18. The permittee shall execute and fund a financial assurance instrument or increase the amount listed on the existing financial assurance instrument in accordance with OAC Rules 3745-27-15, 3745-27-16, and 3745-27-17 for the current cost estimates of the Facility, including the costs for the newly authorized disposal area. Funding shall be completed prior to waste acceptance in any disposal area newly authorized by this permit to install.
19. The permittee shall comply with the requirements of all previously issued authorizing documents for the Facility, except to the extent that this permit specifies requirements different from, or in addition to, the requirements of those previously issued authorizing documents. This permit, and the conditions herein, shall take precedence over any conflicting requirements.

**END OF PERMIT CONDITIONS**