

CERTIFIED MAIL

August 21, 2013

City of Wilmington
69 N. South Street
Wilmington, OH 45177

**Re: Director's Final Findings and Orders
City of Wilmington Landfill**

Dear Sir or Madam:

Transmitted herewith are Final Findings and Orders of the Director concerning the matter indicated.

Enclosed are two invoices for the total civil penalty amount of \$12,000.00 required by the orders. The civil penalty payment shall be made by official check made payable to "Treasurer, State of Ohio."

If you have any questions, please contact Janine Maney at (614) 644-3037.

Sincerely,

A handwritten signature in cursive script that reads "Georgia Frakes".

Georgia Frakes, Management Analyst
Division of Materials & Waste Management

Enclosure

ec: Matt Boyer, DMWM, CO
Kelly Jeter, DMWM, CO
Janine Maney, Legal
Jeff Hurdley, DMWM, Legal
Maria Lammers, DMWM, SWDO
Michelle Ackenhausen, DMWM, SWDO
Tracy Buchanan, DMWM, SWDO
Joleen Cook, DMWM, SWDO

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

City of Wilmington
69 N. South Street
Wilmington, OH 45177

Director's Final Findings
and Orders

Respondent

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to the City of Wilmington ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Facility as hereinafter defined shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is the owner, operator and license holder of the Wilmington Sanitary Landfill ("Facility") located at 397 S. Nelson Avenue, Wilmington, Ohio.
2. The Facility is a "Facility" as defined under ORC Section 3734.01(N) and a "sanitary landfill facility" as defined under Ohio Administrative Code ("OAC") Rule 3745-27-01(S)(4), and is authorized to accept "solid waste" as that term is defined in ORC Section 3734.01(E) and OAC Rule 3745-27-01(S)(23).

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

By: Zena K. Clement Date: Aug 21, 2013

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3. Respondent is a person as that term is defined in ORC Section 3734.01(G) and in OAC Rule 3745-27-01(P)(3).
4. Respondent is currently operating the Facility pursuant to Permit to Install ("PTI") No. 645474 issued January 8, 2009 and PTI No. 05-3708 issued January 17, 1995.
5. On April 20, 2010, Respondent was granted an approval with conditions by Ohio EPA to utilize Landpac 20 mil, 7.5 oz/yd³ Coated Woven Polypropylene tarps ("Landpac tarp") as Alternate Daily Cover ("ADC") in lieu of daily soil cover. Respondent's ADC authorization for LandPac Tarp expired on April 20, 2013.
6. OAC Rule 3745-27-19(F) states in relevant 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, insects, vectors, and rodents. In no event shall solid waste be exposed for more than twenty-four hours after unloading."
7. OAC Rule 3745-27-19(K)(1) states in relevant part: "Leachate management. 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."
8. OAC Rule 3745-27-19 (J)(3) states in relevant 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."
9. OAC Rule 3745-27-19 (E) (10)(a) states in relevant part: "Daily log of operations. The owner or operator shall keep a daily log of operations of the facility that contains all the information specified on forms prescribed by the director. All entries required by the log form shall be completed. The owner or operator of the facility may use alternate forms, either in paper or electronic formats, for the daily log of operations, provided that all of the information requested on the prescribed forms is present."

10. On March 29, 2010, Ohio EPA conducted an inspection of the Facility and observed the following violations:
- a. OAC Rule 3745-27-19(F) for failure to apply sufficient daily cover.
 - b. OAC Rule 3745-27-19(K)(1) for failure to repair leachate outbreaks and collect, manage, and dispose of the leachate.
 - c. Violation of PTI No. 645474 for failure to apply daily cover.
 - d. Violation of PTI No. 05-3708 for failure to properly manage and collect leachate.

These violations were documented in a Notice of Violation letter ("NOV") from Ohio EPA to Respondent dated April 13, 2010.

11. On March 31, 2010, the Clinton County Health Department ("CCHD") conducted an inspection of the Facility and observed the following violations:
- a. OAC Rule 3745-27-19(J) for failure to correct erosion, observed on south side of working cell.
 - b. OAC Rule 3745-27-19(K)(1) for failure to repair leachate outbreaks and collect, manage, and dispose of the leachate.

These violations were documented in an NOV from the CCHD to Respondent dated April 9, 2010.

12. On February 25, 2011, Ohio EPA and the CCHD conducted a joint inspection of the Facility and observed the following:
- a. OAC Rule 3745-27-19(F) violation for failure to apply sufficient daily cover.
 - b. OAC Rule 3745-27-19(J)(3) violation for failure to correct ponding or erosion.

These violations were documented in an NOV from the CCHD to Respondent dated March 4, 2011.

13. On March 17 and March 24, 2011, the CCHD conducted an inspection of the Facility and observed the following violation on March 23: OAC Rule 3745-27-19(J)(3) for failure to correct ponding or erosion.

This violation was documented in an NOV from the CCHD to Respondent dated March 25, 2011.

14. On September 28, 2011, the CCHD conducted an inspection of the Facility and observed the following violations:
- a. OAC Rule 3745-27-19(F) for failure to apply sufficient daily cover.
 - b. OAC Rule 3745-27-19(J)(3) for failure to correct ponding or erosion.
 - c. OAC Rule 3745-27-19(K)(1) for failure to repair leachate outbreaks and collect, manage, and dispose of the leachate.

These violations were documented in an NOV from the CCHD to Respondent dated October 3, 2011.

15. On February 28, 2012, the CCHD conducted an inspection of the Facility and observed the following violations:
- a. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover.
 - b. OAC Rule 3745-27-19(J)(3) for failure to correct ponding or erosion. Erosion was observed on the west slope of the working cell.

These violations were documented in an NOV from the CCHD to Respondent dated March 5, 2012.

16. On March 27, 2012, Ohio EPA and the CCHD conducted a joint inspection of the Facility and observed the following violations:
- a. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover. Exposure of waste was observed on working face.
 - b. OAC Rule 3745-27-19(K)(1) for failure to repair leachate outbreaks and collect, manage, and dispose of the leachate. Multiple areas of leachate outbreaks were observed on the south slope of the active cell.

These violations were documented in an NOV from the CCHD to Respondent dated March 28, 2012.

17. On May 14, 2012, Ohio EPA and the CCHD conducted a joint inspection of the Facility and observed the following violations:
- a. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover. The inspector observed a significant area of the working face had exposed waste due to inadequate daily cover.
 - b. OAC Rule 3745-27-19(J)(3) for failure to correct ponding or erosion, observing erosion on the west slope of the working cell.

- c. OAC Rule 3745-27-19(K)(1) for failure to repair leachate outbreaks and collect, manage, and dispose of the leachate, observing multiple areas on the north slope of the active cell with leachate outbreaks.

These violations were documented in an NOV from the CCHD to Respondent dated May 18, 2012.

- 18. OAC Rule 3745-27-19 (B)(2) states in relevant part: "The owner or operator shall conduct all construction at a sanitary landfill facility in strict compliance with the applicable authorizing document, including permit to install..."
- 19. On March 30, 2012, the Respondent submitted its 2011 Annual Report to Ohio EPA for review. According to the Plate 2 drawing, the Facility noted that approximately 3,600 yd³ of waste was placed above the approved vertical limits of waste placement, as approved in PTI No. 645474, along the north side of the Facility. Following the 2011 Annual Report review, Ohio EPA observed the following overfill violations:
 - a. OAC Rule 3745-27-19(B)(2) for failure to conduct all construction and operation at a sanitary landfill facility in strict compliance with the applicable authorizing documents, including the permit(s) to install.
 - b. Exceeding vertical limits of waste placement authorized in PTI No. 645474.

These violations were documented in an NOV from Ohio EPA to Respondent dated June 6, 2012.

- 20. On August 22, 2012, the CCHD conducted an inspection of the Facility and observed the following violations:
 - a. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover, observing that a significant area of the working face has exposed waste due to inadequate daily cover.
 - b. OAC Rule 3745-27-19(J)(3) for failure to correct ponding or erosion, observing erosion on the south slope of the working cell.

These violations were documented in an NOV from the CCHD to Respondent dated August 27, 2012.

- 21. On February 15, 2013, Ohio EPA's Southwest District Office (SWDO) received a document titled "Statistical Report of Groundwater Quality" dated February 2013 for the Facility. The document was prepared by Hull & Associates, Inc. on behalf of Respondent. The DMWM forwarded the report to the Division of Drinking and

Ground Waters (DDAGW) for review and comment. The following violations are noted:

- a. OAC Rule 3745-27-10(D)(5)(c) for failure to monitor all constituents in Appendix I of OAC Rule 3745-27-10. Respondent "failed to collect two (2) ground water parameters at the Facility, alkalinity and nitrate-nitrite, at least annually in accordance with OAC Rule 3745-27-10(D)(5)(c). Analytical results are missing for these two parameters in ground water monitoring wells: P-1, P-3, P-4, P-6, P-2S, P-6S, P-7S and P-8S for calendar year 2012."
- b. OAC Rule 3745-27-10(E)(5)(b)(ii) for failure to monitor all wells in the ground water assessment program for all parameters in Appendix II of OAC Rule 3745-27-10 at least annually for the Facility. Respondent "failed to collect Appendix II parameters at the Facility from ground water well P-3S at least annually in 2012. Ground water monitoring well P-3S was designated an assessment monitoring well in the Assessment Plan because it is being used to determine rate and extent. Ground water assessment well P-3S was sampled for Appendix I parameters in April 2012; however, it was not sampled for either Appendix I or II parameters in December 2012."

These violations were documented in an NOV from the Ohio EPA to Respondent dated May 14, 2013.

22. On April 1, 2013 Ohio EPA received Respondent's 2012 Annual Report from Hull and Associates. In response, Ohio EPA stated in a letter dated June 17, 2013, "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. Construction and operation of Respondent's Facility are authorized by PTI No. 645474, issued on January 8, 2009." Ohio EPA noted the following:
 - a. OAC Rule 3745-27-19(M)(1)(i) requires the following information to be included in the Annual Report: "[...]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.
 - b. On June 6, 2013 Ohio EPA requested from Respondent and Hull and Associates additional information to accurately establish the relationship of emplaced waste limits to authorized waste limits.

- c. Based upon the information provided as of June 17, 2013, the Ohio EPA found the Facility to be 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 at a sanitary landfill facility in strict compliance with the applicable authorizing document, including permit to install..."
23. On July 15, 2013, Respondent submitted a response to Ohio EPA's letter dated June 17, 2013, which "proposed test pit locations to investigate the nature of the excess material" as depicted in an attached drawing. The drawing attached to the July 15, 2013 submittal depicted "areas above permitted top of waste*."
24. On May 7, 2013 the CCHD conducted an inspection of the Facility and observed the following violations:
 - a. OAC Rule 3745-27-19(F) for failure to apply adequate daily cover, observing that "there were areas around the working site which had inadequate daily cover applied;" and, noting "this is a Violation of Chapter 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, insects, vectors, and rodents. In no event shall solid waste be exposed for more than twenty-four hours after unloading. Daily cover material shall be nonputrescible, shall not contain large objects in such quantities as may interfere with its application and intended purpose, and shall not be solid waste, unless the owner or operator has received prior, written authorization in accordance with paragraph (F)(3)(a) of this rule."
 - b. OAC Rule 3745-27-19 (F)(3), noting "the approval for the use of the tarp as daily cover had expired on April 20, 2013. The landfill was in violation of Section 3745-27-19 (F)(3) of the OAC each day the tarp was used without approval (approximately 11 days)."

These violations were documented in an NOV from the CCHD to Respondent dated May 9, 2013.

25. On May 7, 2013, Ohio EPA conducted an inspection of the Facility and observed the following violations:
 - a. OAC Rule 3745-27-19 (F)(3)(b) which states in part: "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." Ohio EPA observed the following: "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 alternative 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)."

- b. "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, insects, vectors, and rodents. In no event shall solid waste be exposed for more than twenty-four hours after unloading."
- c. Ohio EPA observed the following: "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.'"
- d. "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.'" "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."
- e. "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.'"

- f. Ohio EPA observed the following: "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.'"
- g. OAC Rule 3745-27-19(J)(3) for failure to correct erosion, observing several areas of erosion within the west expansion area along the north, west, and south slopes.
- h. OAC Rule 3745-27-19(K)(1) for failure to properly contain and manage leachate outbreaks, noting: "There were several leachate outbreaks observed along the north slope of the west expansion area. There was evidence that at least two (2) of the leachate outbreaks were in areas of previous repairs[.] 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. 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."
- i. "Failure to document daily inspection results and corrective action 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: '(a) 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.' 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." Respondent "indicated during the May 7, 2013, inspection that leachate outbreaks had been there awhile and that he planned to work on them as soon as weather permitted; however, there were no notes on Ohio EPA's Municipal Solid Waste Landfill Facility Daily Log of Operations – Form 3."

These violations were documented in an NOV from Ohio EPA to Respondent dated June 18, 2013.

V. ORDERS

Respondent shall achieve compliance with ORC Chapter 3734 and the rules promulgated thereunder according to the following compliance schedule:

1. Upon the effective date of these Orders, Respondent shall contain, manage and dispose of leachate at the Facility in accordance with applicable regulations.
2. Upon the effective date of these Orders, Respondent shall correct and repair ponding and erosion at the Facility in accordance with applicable regulations.
3. Upon the effective date of these Orders, Respondent shall apply adequate daily cover to areas of exposed waste in accordance with OAC Rule 3745-27-19(F), approvals, and authorizing documents.
4. Upon the effective date of these Orders, Respondent shall apply intermediate cover to all filled areas of the Facility where additional waste is not to be deposited for at least thirty days in accordance with OAC Rule 3745-27-19(G) approvals, and authorizing documents.
5. Within seven days of reaching the approved final elevations of waste placement in a phase, or an alternate schedule approved by the director, the owner or operator shall begin constructing the final cap system in accordance with OAC Rule 3745-27-19(H).
6. Upon the effective date of these Orders, Respondent shall keep a written daily log in accordance with OAC Rule 3745-27-19(E)(10), and conduct daily inspections of the Facility in accordance with OAC Rule 3745-27-19(E)(11), including inspecting 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.
7. Upon the effective date of these Orders, Respondent shall ensure that a person responsible for the daily operations of the Facility is at the Facility at all times during operating hours that non-employees, other than the Health Department or Ohio EPA, are on-site.
8. Not later than thirty (30) days after the effective date of these orders and annually thereafter, Respondent shall provide training and retraining to all persons involved in or responsible for the daily operations of the Facility. The training shall include procedures to be implemented at the Facility to maintain compliance with OAC Rule 3745-27-19, and a review of the Facility's authorizing documents.

9. Not later than fourteen (14) days after providing training in accordance with Order No. 8, Respondent shall provide documentation to Ohio EPA certifying that all persons designated in Order No. 8 have received the training required by Order No. 8, and the date of such training. The documentation shall be signed by a responsible official of the Respondent.
10. Upon the effective date of these Orders, Respondent shall take photographs of the entire working face, each day that daily cover is applied, to clearly document that adequate daily cover has been applied. Respondent shall take the photographs from two opposing sides of the working face before the application of daily cover and immediately after the application of daily cover from two opposing sides. Respondent shall continue to take photographs to document the application of adequate daily cover for a minimum of three years, and thereafter as required by any ADC approval.
11. All photographs required by Order No. 10 shall be maintained at the Facility and be made available to Ohio EPA and the Clinton County Health Department upon request. The photographs shall be marked with the date and time that the photograph was taken along with the name of the photographer, the direction the picture was taken, and a description of the general area in which the photograph was taken.
12. Not later than September 17, 2013, Respondent shall take a sufficient number of test pits in all "areas above permitted top of waste*" to delineate the top of waste elevations, and shall submit a topographic map certified by a Professional Engineer in accordance with OAC Rule 3745-27-19(M)(1).
13. If the results of the test pits taken in accordance with Order No. 12 indicate that emplaced waste exceeds the limits of authorized vertical or horizontal waste placement, then not later than October 17, 2013, Respondent shall remove any waste placed outside of the authorized limits of waste placement, and either place such waste in a phase at the Facility that has not reached or exceeded the authorized limits of waste placement so long as such solid waste is placed in compliance with authorizing documents and OAC Chapter 3745-27 or dispose of such solid waste at another licensed solid waste facility.
14. Within seven (7) days of disposing of solid waste in accordance with Order No. 13 above, Respondent shall provide Ohio EPA, SWDO-DMWM with documentation of the weight and volume of any solid waste removed from Respondent's Facility, and disposed at another licensed solid waste facility.

15. If emplaced waste exceeds the limits of authorized vertical or horizontal waste placement, then after removal of such waste placed outside of the authorized limits of waste placement, and not later than October 31, 2013, Respondent shall submit a certification report signed by a Professional Engineer demonstrating and certifying that the actual vertical and horizontal limits of emplaced waste do not exceed the vertical and horizontal limits of waste placement authorized in Respondent's applicable authorizing document.
16. Respondent shall pay to Ohio EPA the amount of twelve thousand dollars (\$12,000.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 3734. in accordance with the following provisions:
 - a. Within thirty (30) days after the effective date of these Orders, Respondent shall pay the amount of nine thousand six hundred dollars (\$9,600.00) which will be deposited into the environmental protection remediation fund established pursuant to ORC Section 3734.281. Payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for \$9,600.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the Facility. A copy of the check shall be sent to Ohio EPA, Division of Materials and Waste Management, Supervisor, Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.
 - b. In lieu of paying the remaining two thousand four hundred dollars (\$2,400.00) of the civil penalty identified in Order No. 16., above, Respondent shall fund a Supplemental Environmental Project (SEP) by making a contribution in the amount of two thousand four hundred dollars and (\$2,400.00) to the Ohio EPA Clean Diesel School Bus Program. Respondent shall make payment within thirty (30) days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for \$2,400.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the Facility. A copy of the check shall be sent to Ohio EPA, Division of Materials and Waste Management, Supervisor, Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

- c. Should Respondent fail to fully fund the Diesel Bus SEP within the required time frame established in Order No. 16b. of these Orders, Respondent shall pay to Ohio EPA the full amount of twelve thousand dollars (\$12,000.00) established in Order No. 16. Payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for \$12,000.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the Facility. A copy of the check shall be sent to Ohio EPA, Division of Materials and Waste Management, Supervisor, Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when the Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Materials and Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "The City of Wilmington certifies that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by the Respondent to Ohio EPA and shall be signed by a responsible official of the Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southwest District Office,
Division of Materials and Waste Management
401 East Fifth Street
Dayton, Ohio 45402-2911
Attn: Unit Supervisor, DMWM

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

In the event that Respondent violates the rules cited in Findings 21, 22, 24, and 25 after the effective date of these Orders, Ohio EPA reserves its right to seek civil or administrative penalties against Respondent for the violations specifically cited in Findings 21, 22, 24, and 25 of these Orders. Ohio EPA and Respondent each reserve all other rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to seek civil or administrative penalties against Respondent for the violations specifically cited in Findings 21, 22, 24, and 25 of these Orders, in the event that Respondent violates the rules cited in Findings 21, 22, 24, and 25 after the effective date of these Orders, which right Ohio EPA does not waive, compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

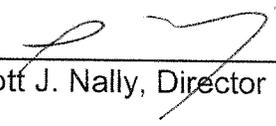
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



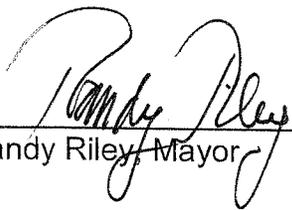
Scott J. Nally, Director

8/21/13

Date

IT IS SO AGREED:

City of Wilmington



Randy Riley, Mayor

08-14-2013
Date

Ohio EPA Invoice/Receipt

Date Printed: August 21, 2013

Revenue ID: 945596

Please include this Revenue ID with all correspondence.

Place ID: 6451

Information: Wilmington Sanitary Landfill
397 S Nelson Ave
Wilmington, OH 45177-

Due Date:

Amount Due:

Effective Date: August 21, 2013

Revenue Description: DSIWM- Findings and Orders/Consent Orders

Program Name: Solid Waste Programs

Reason: Civil Penalty - Clean Diesel School Bus Fund

For some Revenues, Interest and/or Penalties may be charged for late payment.

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

Remittance Advice Detach Here - Please Return This Portion With Your Payment

Place ID: 6451

Information: Wilmington Sanitary Landfill
397 S Nelson Ave
Wilmington, OH 45177-

Due Date:

Amount Due:

Secondary Type/Id: ALPLN / Wilmington Landfill

Revenue Type: DSIFO

Amount Enclosed: \$ _____

Please write this number on your check. Revenue ID: 945596

Make check or money order payable to "Treasurer, State of Ohio"

**Remit to: Ohio Environmental Protection Agency - OFA
Department L-2711
Columbus, OH 43260-2711**

For Ohio EPA use only

Check ID: _____

Check Date: _____

Check Number: _____

Check Amount: \$ _____

Ohio EPA Invoice/Receipt

Date Printed: August 21, 2013

Revenue ID: 945592

Please include this Revenue ID with all correspondence.

Place ID: 6451

Information: Wilmington Sanitary Landfill
397 S Nelson Ave
Wilmington, OH 45177-

Due Date:

Amount Due:

Effective Date: August 21, 2013

Revenue Description: DSIWM- Findings and Orders/Consent Orders

Program Name: Solid Waste Programs

Reason: Civil Penalty - Environmental Protection Remediation Fund

For some Revenues, Interest and/or Penalties may be charged for late payment.

Next Interest Date (if applicable):

Next Penalty Date (if applicable):

Remittance Advice

Detach Here - Please Return This Portion With Your Payment

Place ID: 6451

Information: Wilmington Sanitary Landfill
397 S Nelson Ave
Wilmington, OH 45177-

Due Date:

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