



OHIO E.P.A.

JUL 18 2013

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

ENTERED DIRECTOR'S JOURNAL

CERTIFIED

July 18, 2013

Mr. Edward Walker
Wastewater Treatment Division Supervisor
City of Xenia Public Service Department
966 Towler Road
Xenia, OH 45385

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: Joe Cassler Date: 7-18-13

**RE: Closed Municipal Landfill, City of Xenia, Greene County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Walker:

On March 21, 2013, the Ohio Environmental Protection Agency (Ohio EPA) received a request, dated March 14, 2013, titled *OAC 3745-27-13 (Rule 13) Request to Drill in and around Landfill Area F at the City of Xenia Closed Municipal Landfill located at 966 Towler Road, Xenia, OH*. Revisions to the document, dated April 23, 2013, were received on April 30, 2013. The document was submitted in accordance with OAC Rule 3745-27-13(E) by AMEC Environment & Infrastructure, Inc., on behalf of the city of Xenia (City) for the closed Municipal Landfill (Facility).

OAC Rule 3745-27-13 requires authorization from the Director of Ohio EPA (Director) before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated. The City is requesting permission to conduct drilling at the Facility. The area to be investigated is a closed municipal landfill that is located beneath an active construction and demolition debris landfill. The City operated Landfill Area F between 1976 and 1985. These borings are being performed to determine the nature, scope, and placement of the waste and determine the depth to ground water beneath Landfill Area F.

Based upon a review of the request and all subsequent revisions, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities, if conducted in accordance with the request and the following conditions, will not result in violation of applicable laws and regulations, will not create a nuisance, and are unlikely to adversely affect the public safety or health or the environment. Therefore, the City is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

As part of this authorization, the City is subject to the following conditions:

CONDITIONS

1. This approval grants authorization to perform activities at the Facility in accordance with the March 14, 2013, document titled *OAC 3745-27-13 (Rule 13) Request to Drill in and around Landfill Area F at the City of Xenia Closed Municipal Landfill located at 966 Towler Road, Xenia, Ohio*, received March 21, 2013, and subsequent revision, dated April 23, 2013, received April 30, 2013. All activities shall be conducted in strict accordance with the plans, specifications, and other information submitted as part of this request. There may be no deviation from the approved plans without prior written authorization from Ohio EPA. Any future activities at the Facility may require additional Ohio EPA approval.
2. Not later than seventy-two (72) hours prior to the start of the activities associated with this authorization, the City shall submit written notification, which specifies the anticipated date of commencement, to Ohio EPA, Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) and the Greene County Combined Health District.
3. All on-site activities shall be accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including, but not limited to, the control of air pollution, leachate, surface water run-on and run-off, and protection of ground water.
4. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
5. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
6. All solid and/or hazardous waste to be removed from the Facility shall be containerized and securely stored until these materials are properly characterized and disposed of in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
7. All liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 that are removed during intrusive activities shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
8. Prior to any removal of waste or contaminated soil from the Facility, the City shall submit copies of sample analysis results, the treatment or disposal method selected,

and a letter of acceptance from the treatment or disposal facility to Ohio EPA, DMWM, SWDO, pursuant to OAC Rule 3745-27-13(H)(4).

9. Not later than sixty (60) days after completing the activities authorized by this approval, the City shall submit to Ohio EPA, DMWM, SWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
10. The City shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this approval.
11. For the purposes of erosion control during investigation of the landfill, the City shall use best management practices and standards as specified in the National Resources Conservation manual titled Rainwater and Land Development prepared by the Ohio Department of Natural Resources, Division of Soil & Water Conservation.
12. No boring or excavation shall occur unless the excavated waste is replaced within previously existing horizontal and vertical limits of waste placement or is treated or disposed of at a licensed, permitted treatment or disposal facility, in accordance with ORC Chapter 3734 and the regulations promulgated thereunder.
13. If boring or excavation occurs outside the limits of waste placement at the Facility, the City shall not use material consisting of solid or hazardous waste to backfill the bored or excavated areas.
14. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if the City has not begun the activities authorized herein.
15. In accordance with OAC Rule 3745-27-13(O), the Director may revoke this authorization if the City violates, or is likely to violate, any applicable law or if continued implementation of the authorized plans may cause a threat to human health or safety or the environment.

END OF CONDITIONS

You are hereby notified that this action of the Director of Environmental Protection is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. 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

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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
77 South High St., 17th Floor
Columbus, Ohio 43215

If you have any questions concerning this authorization, please contact Joleen K. Cook of Ohio EPA, DMWM, SWDO at (937) 285-6071.

Sincerely,



Scott J. Nally
Director

cc: Scott Hester, DMWM, CO (w/ Enclosure)
Tracy Buchanan, DMWM, SWDO
Deborah Leopold, Greene County Combined Health District (w/ Enclosure)

ec: Kathy Jackson, DMWM, SWDO