

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

OHIO E.P.A.

AUG 15 2014

ENTERED DIRECTOR'S JOURNAL

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: Doreen Vassiter Date: 8-15-14

**AUG 15 2014**

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

RE: Xenia Municipal Landfill  
Director's Authorization  
Approval  
Municipal Solid Waste Landfill  
Greene County  
MSWL019868

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

Dear Mr. Walker:

On June 20, 2014, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO), received a request dated June 20, 2014, titled *OAC 3745-27-13 (Rule 13) Request to Drill in and around Landfill Area A and Landfill Area F at the City of Xenia Closed Municipal Landfill located at 966 Towler Road, Xenia, OH.* 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 for the closed Xenia Municipal Landfill.

OAC Rule 3745-27-13 requires authorization from the Director of Ohio EPA before engaging in filling, grading, excavating, building, drilling or mining on land where a solid waste facility was operated. The city of Xenia is requesting permission to conduct drilling at the Facility. Two areas are to be investigated. Area F is a closed municipal landfill area that is located beneath an active construction and demolition debris landfill. Area A is a closed municipal landfill area located in the far southeast corner of the facility. The City operated Landfill Area F between 1976 and 1985 and Area A operated from 1950 to 1961. The proposed work will evaluate explosive gas generation and migration from Landfill Area A and Landfill Area F and aid in the development of explosive gas mitigation alternatives.

Based upon a review of the request, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities, if conducted in accordance with the request as submitted on June 20, 2014 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 public safety, health or the environment. Therefore, the City is hereby authorized to perform the activities outlined in this letter in accordance with the plans, specifications, and information submitted as part of this request.

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

### CONDITIONS

1. This approval grants authorization to perform activities at Xenia Municipal Landfill in accordance with the request as submitted on June 20, 2014. 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, DMWM, 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 of in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
8. Prior to any removal of waste or contaminated soil, 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 and 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 approved plans may cause a threat to human health, safety or the environment.
16. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. This authorization shall not be interpreted to release the City and/or its appointed representative under ORC Chapters 3704, 3714, 3734 or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control 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.

**END OF CONDITIONS**

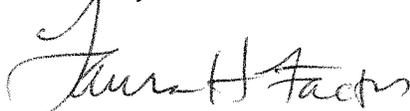
Mr. Edward Walker  
Xenia Municipal Landfill, Greene County  
Page 4

You are hereby notified that this action of the Director 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 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 Street, 17th Floor  
Columbus, Ohio 43215

If you have any questions concerning this authorization, please contact Jill Olberding of Ohio EPA, DMWM, SWDO at (937) 285-6094.

Sincerely,



Craig Butler  
Director

ec: Scott Hester, DMWM, CO  
Michelle Ackenhausen, DMWM, SWDO  
Deborah Leopold, Greene County Combined Health District

cc: Karen Bush, DMWM, SWDO