



State of Ohio Environmental Protection Agency

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April 14, 2009

Mr. Adam Ledbetter
Assistant Engineer
City of Xenia
101 North Detroit Street
Xenia, Ohio 45385-2996

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

Dear Mr. Ledbetter:

On February 6, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a request dated February 4, 2009, to engage in filling, grading, excavating, building, drilling, or mining activities at the closed City of Xenia Landfill (Facility), Area A, located in Greene County. The request was made pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13. The City of Xenia (City) requests authorization to construct a bike path over a portion of landfill Area A at the Facility located at 966 Towler Road, Xenia, Ohio. Based upon information contained in the Rule 13 Application Request, the Facility was a licensed municipal solid waste landfill which accepted waste after July 29, 1976. This facility is subject to OAC Rule 3745-27-13(D) (1) and OAC Rule 3745-27-13(E).

Based upon a review of the request, Ohio EPA has determined, pursuant to OAC Rule 3745-27-13, that the proposed activities will not result in a violation of applicable laws or 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 plans, specifications, and information.

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

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

CONDITIONS

1. This approval grants authorization to conduct activities at the Facility in accordance with the request submitted February 6, 2009. All activities must be conducted in strict accordance with the plans, specifications, and 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. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
3. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
4. All solid and/or hazardous wastes removed from the Facility shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
5. 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.
6. Prior to any disposal 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, DSIWM, SWDO pursuant to OAC Rule 3745-27-13(H)(4).
7. The City shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.

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8. Upon completion of filling, grading, excavating, building, drilling, or mining activities at the Facility, the City shall restore the condition of the facility cap in accordance with the appropriate provisions of ORC Chapter 3734 and the rules promulgated thereunder, as were applicable at the time the facility originally submitted certification of closure, or the rules the facility was required to close under if certification was never submitted.
9. Not later than sixty (60) days after completing the activities authorized by this approval, the City shall submit to Ohio EPA, DSIWM, SWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).

10. 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 runoff and runoff, and protection of groundwater. Surface water control structures shall be constructed as needed to divert water around the construction site. For the purposes of erosion control during all phases of construction at the Facility, the City shall use Best Management Practices (BMP) standards as specified by the Ohio Department of Natural Resources, Division of Soil and Water Conservation manual titled *Rainwater and Land Development*.
11. In accordance with OAC Rule 3745-27-13(M)(1), this authorization shall terminate three (3) years after its effective date if the City has not begun the activities authorized herein.
12. 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 or safety or the environment.
13. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This authorization shall not be interpreted to release the City or others from responsibility 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.

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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 Ohio Revised Code 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 which the Commission, in its discretion, may reduce if by affidavit you demonstrate 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
309 South Fourth Street, Room 222
Columbus, Ohio 43215

If you have any questions concerning this authorization, please contact Jill Olberding of Ohio EPA, SWDO at (937) 285-6357.

Sincerely,

Chris Korleski
Director

cc: Beth Lackey, Greene County Combined Health District
Tracy Buchanan, DSIWM/SWDO
Scott Hester, DSIWM/CO