

Issuance Date: _____

Effective Date: _____

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

City of Xenia	:	
City of Xenia Landfill	:	Director's Final Findings and Orders
101 North Detroit Street	:	
Xenia, Ohio 45385	:	

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the City of Xenia, 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

These Orders shall apply to and be binding upon the City of Xenia and successors in interest liable under Ohio law. No changes in ownership of the City of Xenia Landfill will in any way alter the City of Xenia's responsibilities under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapter 3734 and the rules promulgated thereunder. Unless otherwise stated, all citations of the Ohio Administrative Code (OAC) shall refer to rules in effect on the date of these Orders.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings.

1. The City of Xenia Landfill is owned by the City of Xenia and operated at 966 Towler Road, Xenia, Greene County, Ohio. The landfill ceased operations on December 31, 1990.

2. The City of Xenia Landfill is a closed municipal solid waste landfill facility, and the ground water monitoring requirements of OAC Rule 3745-27-10 apply to the facility.
3. Ground water assessment activities have begun for existing detection monitoring well MW-32. OAC Rule 3745-27-10(E)(4)(h) requires, in part, that at least one additional monitoring well be installed downgradient of the triggered detection monitoring well. The placement of an assessment well downgradient of well MW-32 is not practical due to the drop in topography and the presence of a wetland and the associated stream (Shawnee Creek).
4. A spring exists approximately 105 feet downgradient from monitoring well MW-32. Based on site investigations, water flowing from the spring is considered to be indicative of ground water.
5. On March 3, 2004, the City of Xenia submitted a request to the Director to conduct surface water monitoring as part of the ground water monitoring system in an area where it is not practical to place a well.
6. OAC Rule 3745-27-10(B)(1)(b) states in part:

“The ground water monitoring system, for detection monitoring, assessment monitoring, or corrective measures, shall consist of a sufficient number of wells, installed at appropriate locations and depths, to yield ground water samples from both the uppermost aquifer system and any significant zones of saturation that exist above the uppermost aquifer system that do the following:

- (b) Represent the quality of the ground water passing directly downgradient of the limits of solid waste placement.

The director may require or otherwise authorize an owner or operator to conduct surface water monitoring (i.e., seeps, springs or streams) as part of the ground water monitoring system in areas where it may not be practical to place a well. Such surface water samples shall be representative of ground water quality passing directly downgradient of the limits of solid waste placement.”

7. The proposed method of obtaining ground water samples described in the request is considered surface water sampling and, therefore, requires authorization of the Director pursuant to OAC Rule 3745-27-10(B)(1)(b).

V. ORDERS

1. Pursuant to OAC Rule 3745-27-10(B)(1), the City of Xenia is hereby authorized to conduct surface water monitoring as part of the ground water monitoring system downgradient from well MW-32, provided that the City of Xenia complies with the following conditions:
 - a. The collection of discrete surface water samples from the proposed surface water monitoring location shall be conducted in accordance with the protocol outlined in the facility sampling and analysis plan with the following additions:
 - i. Samples shall always be taken from moving water that is most representative of the water being sampled. Samples shall not be taken from a backwater area that may have floating debris.
 - ii. If wading into the spring/stream or ponded area is required to take the sample, care shall be taken to avoid or minimize disturbance of the bottom sediments so as not to contaminate the sample. Persons taking the sample shall approach and stand downstream of the sampling site.
 - iii. Pre-preserved containers or those to be used for oil and grease shall not be rinsed. Other sample containers and caps shall be rinsed with ambient water. Rinsate shall not be discarded upstream of the sampling area, on the shore where it will wash bank soil into the sampling area, or discarded in any other way that may contaminate the sample.
 - iv. The sample shall be taken upstream from the hand of the sampler so that his or her hand is on the downstream side of the sampling container and upstream of any other potential source of contamination. The sample container shall be submerged with the container opening face down, below the surface area.
 - v. Any samples that become contaminated by water flowing over the sampling glove, debris, sediments stirred up in the stream, and/or any other methods of contamination shall be discarded and new samples collected.
 - b. The surface water sample shall be analyzed for all parameters required pursuant to OAC Rule 3745-27-10(D)(5)(a)(i).

- c. The data collected from the proposed surface water monitoring location shall be analyzed with the same methodologies outlined in the facility sampling and analysis plan. The resulting data shall be compared to the data collected from detection monitoring well MW-32 and to appropriate background data.
2. The authorization granted in Order No. 1 above, shall apply only to the surface water sampling location downgradient from well MW-32 at the City of Xenia Landfill.
3. Nothing in this authorization shall be construed to authorize any activity, method, or waiver from the requirements of any other provision of ORC Chapter 3734 or the regulations promulgated thereunder, except as expressly provided herein. These Orders shall not be interpreted to release the City of Xenia from responsibility under ORC Chapters 3704, 3734, or 6111; under the Federal Clean Water 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.

VI. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable federal, state, and local laws and regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to the City of Xenia Landfill.

VII. NOTICE

All documents required to be submitted to Ohio EPA in accordance with these Orders shall be submitted to the following address:

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

VIII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the City of Xenia to perform additional activities pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of the City of Xenia to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of the City of Xenia. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations which may occur at the City of Xenia Landfill.

IT IS SO ORDERED:

Christopher Jones, Director