



State of Ohio Environmental Protection Agency

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Mr. Jim Jones
City Engineer/Public Service Director
City of Xenia
101 North Detroit Street
Xenia, Ohio 45385

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

Dear Mr. Jones:

On September 16, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a request to excavate, build, fill, and grade at the closed City of Xenia Landfill pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13. The City of Xenia, requested authorization to install a trench on the landfill property to alleviate elevated levels of methane gas from migrating off property. The trench will be placed on the City of Xenia's property south of waste placement area F. Based upon information contained in the Rule 13 Application Request, the City of Xenia Landfill was a licensed facility 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 review of the document, I have determined 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 of Xenia is hereby authorized to perform the activities outlined in this letter in accordance with submitted plans, specifications, and information.

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

CONDITIONS

1. The City shall notify Ohio EPA, Southwest District Office, and the Greene County Combined Health District not later than three (3) days prior to beginning the proposed activities.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

2. 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, explosive and toxic gas migration and protection of ground water.
3. All activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment.
4. 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 regulations promulgated thereunder.
5. All solid waste to be removed from the facility shall be containerized and securely stored until the materials are properly characterized and disposed in accordance with Chapter 3734 of the Ohio Revised Code (ORC) and the regulations promulgated thereunder.
6. This approval grants authorization only to engage in activities at the closed City of Xenia Landfill in accordance with the request received September 16, 2004. All activities must be conducted in strict accordance with the plans and specifications submitted. There may be no deviation from the approved plans without prior written authorization from Ohio EPA. Any future activities on the facility may require additional Ohio EPA approval.
7. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This letter shall not be interpreted to release the City of Xenia from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants from the facility to the environment.
8. The director may revoke this authorization if the City of Xenia violates, or is likely to violate, any applicable law or if the continued implementation of the approved plans causes a threat to human health or safety or the environment.
9. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three (3) years after its effective date if the City of Xenia has not begun the activities authorized herein.

10. Not later than sixty (60) days after completing the activities authorized through this approval, the City of Xenia shall submit to Ohio EPA a certification report in accordance with OAC Rule 3745-27-13(H)(10).

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 (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. Notice of the filing of the appeal shall be filed with the director within three (3) days after the appeal is filed with the Commission.

An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street,
Room 222
Columbus, Ohio 43215

Sincerely,

Christopher Jones
Director

CJ/KM/sw

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