



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

Mr. Jason Tincu
Wastewater Supervisor
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. Tincu:

On December 18, 2006, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a request from the City of Xenia (City) to engage in filling, grading, excavating, building, drilling, or mining activities in order to stage road millings over the landfill in Area E at the closed City of Xenia Landfill, located in Greene County. Supporting documentation was provided on January 11, and 18, 2007. The request was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13. Based upon information contained in the request, the City of Xenia Landfill (Facility) was a licensed facility which accepted waste after July 29, 1976, and is therefore subject to OAC Rule 3745-27-13(D)(1) and OAC Rule 3745-27-13(E).

Based upon a review of the request, I have 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:

CONDITIONS

1. This approval grants the City authorization to perform activities at the Facility in accordance with the request submitted December 18, 2006. 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.

Mr. Jason Tincu

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, 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-off, and protection of ground water.
3. The City shall employ measures and controls as necessary when moving or loading millings over the landfill area to ensure that the integrity of the landfill cap is maintained.
4. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
5. The City shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
6. 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.
7. 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 causes a threat to human health or safety or the environment.
8. Nothing in this letter shall be construed to authorize any waiver from any requirements of any 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.

End of Conditions

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Ohio Revised Code Section 3745.04. A copy of 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

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City of Xenia
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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

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