



State of Ohio Environmental Protection Agency

17455

Southwest District Office

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

January 29, 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 September 26, 2008, the Ohio Environmental Protection Agency (Ohio EPA), authorized the City of Xenia (City), to construct a bike path over Landfill Area A at the City of Xenia's Closed Municipal Landfill located at 966 Towler Road, Xenia, Ohio. The authorization was pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13.

On January 27, 2009, Ohio EPA received the certification report for the work completed on October 15, 2008. Please be aware the certification report was required within 60 days of completion of the work performed on the landfill cap. Failure to submit a certification report within 60 days of completion of the above referenced activities places the City in violation of OAC Rule 3745-27-13(H)(10), which states in part;

For sites identified in paragraphs (D)(1) or (D)(2) of this rule, the owner or operator shall provide a certification report within sixty days of completion of the filling, grading, excavating, building, drilling, or mining activities.

In addition, the City is in violation of the September 26, 2008 OAC Rule 3745-27-13 Authorization Director's Action, Condition 9 which states;

In accordance with OAC Rule 3745-27-13(H)(10), the City shall provide a certification report within sixty days of completion of the filling, grading, excavating, building, drilling, or mining activities as approved in this authorization.

Mr. Adam Ledbetter
City of Xenia
January 29, 2009
Page 2

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me at (937) 285-6094.

Sincerely,



Jill Olberding
Division of Solid and Infectious Waste Management

cc: Beth Lackey, Greene County Combined Health District

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