



State of Ohio Environmental Protection Agency

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Arli K. Eiseman
Safety Office
Hughes Hall, Room 6
Miami University
Oxford, Ohio 45056-1465

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

Dear Mr. Eiseman:

On March 5, 2004, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a request titled Rule 13 Application, dated February 17, 2004, from Foppe Technical Group on behalf of Miami University. Miami University requested authorization, pursuant to OAC Rule 3745-27-13, to engage in construction activities at the closed City of Hamilton Landfill (Facility) located in Butler County. Specifically, Miami University requested authorization to engage in construction of a conservatory building adjacent to the closed Facility and a sign on ground underlain by landfill material at the Miami University, Hamilton Branch Campus. OAC Rule 3745-27-13 requires authorization from the director of Ohio EPA before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated.

Based upon a review of the document, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed construction activities will not result in 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, Miami University is hereby authorized to perform the activities outlined in this letter in accordance with submitted plans, specifications, and information.

Information contained in the request indicates that the City of Hamilton Landfill ceased acceptance of waste prior to July 29, 1976. Therefore, as part of this authorization, Miami University is subject to the requirements of OAC Rule 3745-27-13(D)(2) and (F) and the following conditions.

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Christopher Jones, Director

CONDITIONS

1. This approval grants authorization to engage in construction activities at the Facility in accordance with the Rule 13 Application, dated February 17, 2004. All activities shall be conducted in strict accordance with the plans, specifications, and other 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. Ohio EPA's SWDO and the City of Hamilton Health Department shall receive written notice no later than three (3) days prior to commencement of proposed activities.
3. 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, and protection of ground water.
4. All activities undertaken shall not create a nuisance and shall not adversely affect the public safety or health or the environment.
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 regulations promulgated thereunder.
6. 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.
7. Miami University shall use a Lower Explosive Limit instrument to monitor methane gas and an Organic Vapor Analyzer to monitor volatile organic vapors during construction of the foundation for the sign.

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8. Miami University shall construct surface water controls, as needed, to divert water around the construction site. Foundation construction activities for the sign are not to be conducted during heavy rainfall in order to prevent run-on and run-off.
9. For the purposes of erosion control during all phases of construction and investigation of the landfill, Miami University shall use best management practices and standards as specified in the National Resources Conservation manual titled Rainwater and Land Development.
10. 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 Miami University 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 to the environment.

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 ORC 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. It must be filed with the Commission within thirty (30) days after notice of the director's action. A copy of the appeal must be served on the director within three (3) days after filing 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

If you have any questions regarding this authorization, please contact Monte Bluebaum of Ohio EPA's SWDO at (937) 285-6648.

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

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Sincerely,

Christopher Jones
Director

CJ/MM/sw

cc: Tracy Buchanan, DSIWM-SWDO
Scott Hester, DSIWM-CO
Jeff Agnew, Butler County Health Department

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Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

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