



State of Ohio Environmental Protection Agency

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Columbus, OH 43216-1049

March 18, 2009

Jeffrey C. Lamb, P.E.  
Barrett Paving Materials, Inc.  
2551 Needmore Road  
Dayton, OH 45414-0591

**Re: Miami River Stone Quarry Site, Shelby County  
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization**

Dear Mr. Lamb:

On November 12, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO) received a request titled "Request for Chapter 13 Authorization Site Development," prepared by ATC Associates Inc. on behalf of Barrett Paving Materials, Inc., for exploratory investigation at the Miami River Stone Quarry site located at 12200 Kirkwood Road in Shelby County, Ohio. The request was submitted pursuant to OAC Rule 3745-27-13, which requires authorization from the Director of Ohio EPA (Director) before engaging in filling, grading, excavating, building, drilling, or mining on land where a solid waste facility was operated.

Specifically, Barrett Paving Materials, Inc. has requested authorization to determine boundaries of a potential fill area (Facility) and to characterize its contents. Barrett Paving Materials, Inc. proposes to excavate up to six exploratory test pits. Each test pit will be excavated to a depth of no more than approximately 15 feet and will cover a surface area of approximately 40 square feet.

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, Barrett Paving Materials, Inc. is hereby authorized to perform the activities outlined in this letter in accordance with the submitted and approved plans, specifications, and information.

As part of this authorization, Barrett Paving Materials, Inc. is subject to the following conditions:

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

### CONDITIONS

1. This approval grants authorization to Barrett Paving Materials, Inc. to conduct exploratory investigation activities at the Facility in accordance with the request titled "Request for Chapter 13 Authorization Site Development," dated November 10, 2008, only. All activities shall 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.
2. Not later than 72 hours prior to the start of activities associated with this authorization, Barrett Paving Materials, Inc. shall submit written notification specifying the anticipated date of work commencement to Ohio EPA, DSIWM, SWDO.
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 runoff and runoff, and protection of ground water.
4. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
5. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
6. All solid and/or hazardous waste to be removed from the Facility shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
7. 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 the regulations promulgated thereunder.
8. Prior to any removal of waste or contaminated soil from the Facility, Barrett Paving Materials, Inc. shall submit copies of sample analysis results, the treatment or disposal method selected, and a letter of acceptance from the treatment or disposal facility to Ohio EPA, DSIWM, SWDO pursuant to OAC Rule 3745-27-13(H)(4).

9. Not later than 60 days after completing the activities authorized by this approval, Barrett Paving Materials, Inc. shall submit to Ohio EPA, DSIWM, SWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
10. Barrett Paving Materials, Inc. shall take measures to minimize the potential for increased infiltration of surface water that may result from activities authorized by this approval.
11. In accordance with OAC Rule 3745-27-13(M), this authorization shall terminate three years after its effective date if Barrett Paving Materials, Inc. has not begun the activities authorized herein.
12. The Director may revoke this authorization if Barrett Paving Materials, Inc. violates, or is likely to violate, any applicable law or if continued implementation of the approved plans may cause a threat to human health or safety or the environment.
13. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This authorization shall not be interpreted to release Barrett Paving Materials, Inc. 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 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. The appeal must be filed with the Commission within 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 days after the appeal is filed 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 Commission at the following address:

Miami River Stone Quarry Site, Shelby County  
OAC Rule 3745-27-13 Request  
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Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, Ohio 43215

If you have any questions regarding this letter, please contact Monte Bluebaum of Ohio EPA, SWDO at (937) 285-6647.

Sincerely,

Chris Korleski  
Director

cc: Scott Hester, DSIWM, Central Office  
Tracy Buchanan, DSIWM, SWDO  
Mike Luessen, ATC Associates Inc.  
Sidney-Shelby County Health Department