



State of Ohio Environmental Protection Agency

**Southeast District Office**

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Logan, Ohio 43138

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

February 5, 2007

Ohio University  
Office of Legal Affairs  
10 East Union Street  
Athens, Ohio 45701

Attention: Nicolette Dioguardi, Associate Director

Dear Ms. Dioguardi:

On April 1, 2005, Ohio EPA issued Director's Final Findings & Orders ("April 1, 2005 Orders") concerning methane gas monitoring and abatement at the Southern Campus located in Ironton. Orders #2 through #9 of the April 1, 2005, Orders require Ohio University to, install permanent explosive gas monitors, begin monitoring, install and operate an explosive gas abatement system. What is the status of the system? Please submit data that should include methane levels that exist at the site.

Within the DFFOs issued August 14, 2003, Order # 7 states upon Final submission of all documents to be submitted under Attachment A, Ohio EPA shall confer and attempt to agree upon the steps that are necessary to remedy the violations and, in the event that agreement is reached, shall enter into another set of Director's Findings & Orders to prescribe the appropriate remedy and the time table for completing the agreed upon remedy. Whether the remedy includes active measures to remove or reduce the concentration of hazardous substances or remove solid wastes will be determined at that time. Documents detailed in the DFFOs dated August 14, 2003, have been submitted to Ohio EPA and we need to set up a meeting to continue with Order #7.

Violations of Ohio law continue to exist at this site. Before construction activities began on this waste disposal site, Ohio University should have applied for and received authorization from the director of Ohio EPA pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13.

Specifically: OAC Rule 3745-27-13(A), states in part "No person shall, without prior authorization from the director, engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated." Ohio University continues to be in violation of the above referenced rule.

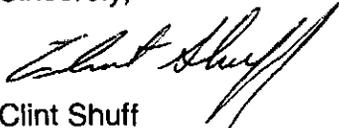
Please submit current data to me on the gas monitoring system and contact me to set up a meeting to discuss the next step on the August 14, 2003, DFFOs.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. The letter shall not be interpreted to release the owner or others from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

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If you have any questions, please contact me at (740) 380-5246 or Steve Rine at (740) 380-5213.

Sincerely,



Clint Shuff  
Environmental Specialist, R. S.  
Division of Solid and Infectious Waste Management

CS/jg

- cc: Lawrence County Health Department
- cc: John Kotowski, Ohio University
- cc: Jeff Hurdley, Ohio EPA Legal
- cc: Mike Idzkowski, Ohio EPA Legal
- cc: Ed Gortner, Ohio EPA, DSIWM, CO, CMEU,
- cc: Melinda Berry, Ohio EPA, CO, CMEU