



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Hamilton CO
ST. Bernard LA
Gen Carr

CERTIFIED MAIL

May 2, 2011

Mr. William Burkhardt
Mayor City of St. Bernard
110 Washington Avenue
St. Bernard, Ohio 45217

RE: **Notice of Violation** of Director's Final Findings Order, September 16, 2009
City of St. Bernard Landfill, Hamilton County, Ohio

Dear Mr. William Burkhardt:

On September 16, 2009, the Director of the Ohio Environmental Protection Agency ("Ohio EPA") issued Director's Final Findings and Orders ("Orders") consensually entered into with the City of St. Bernard ("City") to abate to minimize the formation and migration of explosive gas at the St. Bernard Landfill located east of Interstate 75 and south of Bank Avenue in St. Bernard, Hamilton County, Ohio ("Facility"). Order 13 of the Orders required the City to develop a Remediation Plan (the "Plan") for approval by Ohio EPA to address certain matters. The City submitted a Plan to Ohio EPA on June 10, 2010, and Ohio EPA approved the Plan on September 9, 2010. The approved Plan provided for at a minimum: a. Proposed remedial measures designed to abate or minimize explosive gas levels at the Facility Property Boundary such that levels are maintained below the LEL [or lower explosive limit] (5% methane in air by volume); and b. Conversion of the Facility's current active gas extraction system condensate collection to provide continuous automated removal of liquid from the system so as to prevent excessive condensate from impacting the effectiveness of the current active explosive gas extraction system."

Order 17 of the Orders further required the City to submit to Ohio EPA a report regarding the Plan no later than one hundred and fifty (150) days after commencement of implementation of the Plan. Pursuant to Order 17, the report is required to contain four (4) consecutive months of weekly monitoring results from all explosive gas monitoring and extraction wells that exceed the Lower Explosive Limit for methane at the Facility Property Boundary.

1. Ohio EPA was notified by Civil and Environmental Consultants, Inc. (CEC), the consultant for the City, that work had been initiated for implementation of the Plan on November 1, 2010. Telephone calls on April 5 and 6, 2011 by Ohio EPA to the City inquired into the status of activities performed as part of the Plan as

Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 6249 (fax)
www.epa.ohio.gov

Mr. William Burkhardt
May 2, 2011
Page 2

well as the second report. As of the date of this correspondence, the report required by Order 17 of the September 16, 2009 Orders has not been received by Ohio EPA. Since Ohio EPA was notified that work was initiated on the Plan at the Facility on November 1, 2010, the report should have been submitted to Ohio EPA no later than April 1, 2011.

Therefore, the City is in **violation** of Order 17 of the Orders.

Additionally, Order 21 of the Orders requires the City to submit to Ohio EPA a revised Explosive Gas Monitoring Plan (EGMP) no later than sixty (60) days after commencement of implementation of the Plan.

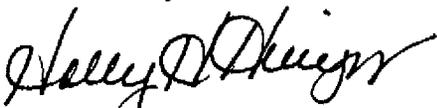
1. Ohio EPA was notified by CEC, the consultant for the City, that work had been initiated for implementation of the Plan on November 1, 2010. A telephone call on January 31, 2011 by Ohio EPA to CEC was initiated to remind CEC of other ongoing deadlines, including the EGMP. The EGMP required by Order 21 of the September 16, 2009 Orders was received by Ohio EPA on March 31, 2011. Since Ohio EPA was notified that work was initiated on the Plan at the Facility on November 1, 2010, the report should have been submitted to Ohio EPA no later than February 1, 2011.

Therefore, the City is in **violation** of Order 21 of the Orders.

Please contact me at your earliest convenience to discuss when you intend to submit the required report to Ohio EPA. In addition, please know that protracted failure to comply with the Orders may result in escalated enforcement.

Should you have any questions or concerns, please do not hesitate to contact me at (937) 285-6072.

Sincerely,



Holly H. Hillyer
Environmental Specialist
Division of Solid and Infectious Waste Management

HH/rb

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**MR WILLIAM BURKHARDT
MAYOR CITY OF ST BERNARD
110 WASHINGTON AVENUE
ST BERNARD, OHIO 45217**

2. Article Number

(Transfer from service label)

7005 0390 0004 9401 9667

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Claine L. Sipe* Agent Addressee

B. Received by (Printed Name)

Claine L. Sipe

C. Date of Delivery

*5/4/11*D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

UNITED STATES POSTAL SERVICE OH 452

04 MAY 2011 PM 2 T



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

OHIO ENVIRONMENTAL PROTECTION AGENCY
SOUTHWEST DISTRICT OFFICE
ATTN HOLLY HILLYER- DSIWM
401 EAST FIFTH STREET
DAYTON OH 45402-2911



7005 0390 0004 9401 9667

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

| | | |
|---|----|------------------|
| Postage | \$ | Postmark Here |
| Certified Fee | | |
| Return Receipt Fee (Endorsement Required) | | |
| Restricted Delivery Fee (Endorsement Required) | | |

Total Postage

MR WILLIAM BURKHARDT
MAYOR CITY OF ST BERNARD
Sent To
110 WASHINGTON AVENUE
Street, Apt. No.,
or PO Box No.
ST BERNARD, OHIO 45217
City, State, ZIP+

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail[®] or Priority Mail[®].
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS[®] postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.