



Environmental
Protection Agency

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

Hamilton Co
St. Bernard
Gen Cont

January 24, 2011

CERTIFIED MAIL

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 Mayor 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 16 of the Orders further required the City to submit to Ohio EPA a report regarding the Plan no later than thirty (30) days after commencement of implementation of the Plan. Pursuant to Order 16, the report is required to contain documentation of remedial measures performed to abate or minimize explosive gas levels at the Facility property boundary, documentation of conversion of the active gas extraction system condensate collection installation, and all related plan drawings and associated narratives.

Mayor William Burkhardt
City of St. Bernard
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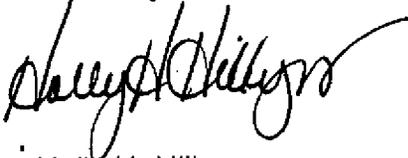
1. Ohio EPA was notified by Civil and Environmental Consultants, Inc. (CEC), the consultant for the City that work had been initiated for implementation of the Plan on November 1, 2010. A telephone call on November 15, 2010 and a follow up email sent on November 29, 2010 by Ohio EPA to CEC inquired into the status of activities performed as part of the Plan. As of the date of this correspondence, the report required by Order 16 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 December 1, 2010.

Therefore, the City is in **violation** of Order 16 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

cc: Mr. Phil Stegman, Service Director, City of St. Bernard

HHH\bp

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WILLIAM BURKHARDT
MAYOR CITY OF ST BERNARD
110 WASHINGTON AVE
ST BERNARD OH 45217

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