



State of Ohio Environmental Protection Agency

Southwest District Office

Hamilton Co
St. Bernard
Env. Con

401 E. Fifth St.
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249
www.epa.state.oh.us

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

CERTIFIED MAIL

September 16, 2011

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

Re: Notice of Violations of Director's Final Findings Order, September 16, 2009
Village of St. Bernard Landfill, Hamilton County, Ohio

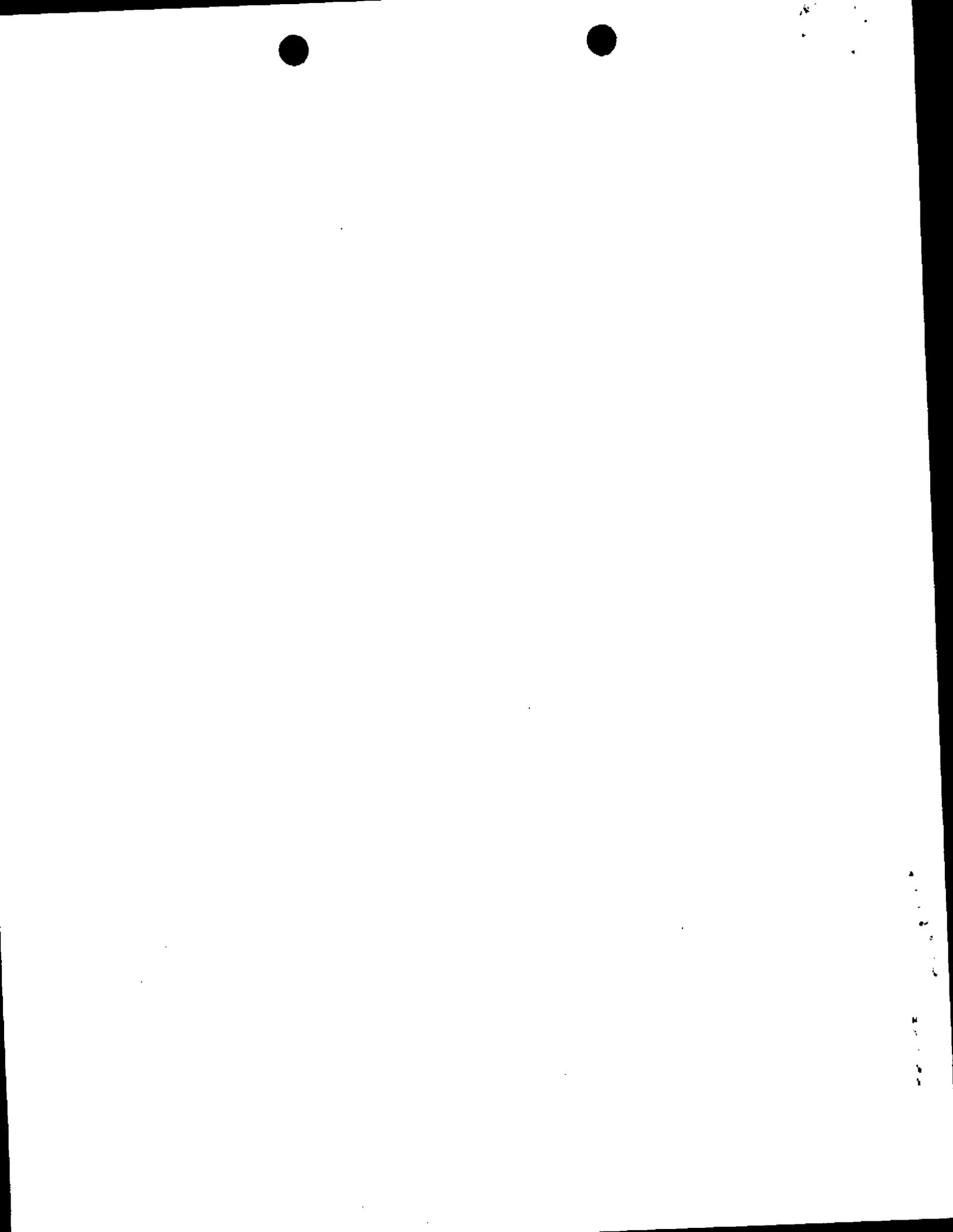
Dear Mayor Burkhardt:

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 Village of St. Bernard ("Village") to abate to minimize the formation and migration of explosive gas at the St. Bernard Landfill ("Facility") located east of Interstate 75 and south of Bank Avenue in St. Bernard, Hamilton County, Ohio.

Violation of Order 21

Order 21 of the Orders states "...in accordance with OAC Rules 3745-27-12(D) and (E), as effective 2008, Respondent shall submit a revised EGMP to Ohio EPA, SWDO for approval...".

On March 31, 2011, Ohio EPA, Division of Materials and Waste Management ("DMWM"), Southwest District Office ("SWDO") received a document titled "Village of St. Bernard Landfill, Revised Explosive Gas Management Plan, CEC Project No. 100-194", dated March 31, 2011 for the Facility. Final revisions for the EGMP were received on April 15, 2011. This document was submitted by Civil & Environmental Consultants, Inc. ("CEC") on behalf of the Village. This submission requests to alter the October 4, 1991 approved EGMP. This alteration request was reviewed pursuant to Ohio Administrative Code (OAC) Rule 3745-27-12 (effective October 30, 2008). Following review of the March 31, 2011 document and final revisions received April 15, 2011, Ohio EPA sent the Village a Notice of Deficiency ("NOD") on May 18, 2011 outlining noted deficiencies in the submission. On June 17, 2011, Ohio EPA, DMWM, SWDO received a revised EGMP dated June 17, 2011 for the Facility. However, this revised EGMP is also deficient unable to be approved.



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Therefore, the Village is in **violation** of Order 21 of the Orders because the Village has failed to address all the deficiencies noted in the May 18, 2011 NOD and thus this is the second submitted EGMP that is not approvable pursuant to Order 21.

A copy of the May 18, 2011 NOD is attached for your convenience and review.

Violation of Order 16

Order 16 of the Orders states: "...Respondent shall submit to Ohio EPA a report detailing the results of the plan. The report shall include 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 to provide continuous automated removal of liquid from the system, all related plan drawings, and associated narratives..."

Order 14 of the Orders states: "Not later than sixty (60) days after Ohio EPA written approval, Respondent shall implement the approved remediation plan."

Order 13 of the Orders states: "...Respondent shall submit to Ohio EPA for written approval a remediation plan detailing how Respondent will remedy explosive gas migration at the Facility Property Boundary."

The Village 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." The Plan was approved for implementation on September 9, 2010. As stated by the Village, commencement of the Plan was initiated on November 1, 2010. On February 7, 2011, Ohio EPA received a document titled "Bank Avenue Landfill – Remedial Action Plan, Implementation Update, CEC Project NO. 100-194" which was an update report on the implementation process of the Plan. On March 8, 2011, Ohio EPA completed review of the submitted report detailing the results of the remediation plan, and sent correspondence to the Village outlining the various deficiencies noted in the report as well as requesting additional information regarding those deficiencies.



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On April 12, 2011, Ohio EPA received a supplement to the report titled: "Village of St. Bernard Landfill, Revised Explosive Gas Management Plan, CEC Project No. 100-194". This document was submitted as additional information regarding the completion of the explosive gas extraction trench installation. Ohio EPA reviewed this document and noted that the deficiencies noted in the March 8, 2011, correspondence were still present in this revised document. On May 26, 2011 Ohio EPA sent the Village a **second NOD** for the same deficiencies noted in the previous NOD. On May 26, 2011, Ohio EPA received a third document again outlining the completion of the implementation of the Plan, which still contained the same deficiencies noted in the March 8 and May 26 NODs.

On August 23, 2011, Ohio EPA sent the Village of St. Bernard a **third NOD** since the Village had not responded to either of the two prior NODs issued. To date, the Village has not replied nor re-submitted a revised Remediation Plan addressing the deficiencies noted in the March 8, May 26, or August 23, 2011 NODs.

Therefore, the Village is in **violation** of Order 16 of the Orders because the Village has failed to respond to three NODs and thus the remediation plan has not been implemented as approved by Ohio EPA on September 9, 2010.

Copies of the March 8, May 26, and August 23, 2011 NODs are attached for your convenience and review.

Violation of Order 18

Order 18 of the Orders states: "If the report submitted pursuant to Order 17 does not show Respondent has abated or minimized the formation and migration of explosive gas from the Facility such that exceedances of the LEL at the Facility Property Boundary continue to occur, then, not later than sixty (60) days after the report was submitted, Respondent shall submit to Ohio EPA for written approval a revised remediation plan for implementation of additional remedial measures."

Order 17 of the Orders states: "...a second report shall be submitted to Ohio EPA, SWDO, which shall include four (4) consecutive months of weekly results from all explosive gas monitoring probes and extraction wells that exceed the LEL for methane at the Facility Property Boundary."



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The Plan was approved for implementation on September 9, 2010 for installation of an explosive gas extraction trench. As stated by the Village, commencement of the Plan was initiated on November 1, 2010. On April 12, 2011, Ohio EPA received a report titled: "Village of St. Bernard Landfill, Revised Explosive Gas Management Plan, CEC Project No. 100-194". This document was submitted regarding the completion of the explosive gas extraction trench installation and included the four consecutive months of monitoring results. As indicated by the April 12, 2011 report, the Facility continues to experience exceedances of the LEL in explosive gas monitoring probes at the Facility Property Boundary. Thus the Village is required to submit to Ohio EPA a revised remediation plan for implementation of additional remedial measure to abate or minimized the formation and migration of explosive gas from the Facility on June 12, 2011. To date the Village has not submitted a revised remediation plan to Ohio EPA.

Therefore, the Village is in **violation** of Order 18 of the Orders because the Village has failed to submit is revised remediation plan for Ohio EPA written approval.

Please contact me at your earliest convenience to discuss when you intend to fully comply with the violations outlined above including a date for submittal of all information and documentation to Ohio EPA. In addition, please know that protracted failure to comply with the Orders will 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 Materials and Waste Management

Ec: Tim Ingram, Hamilton County Public Health

HH/ca



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

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

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 Heidi Culbertson
 Agent Addressee

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Heidi Culbertson

C. Date of Delivery

9-16

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