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for Nov 12-20-11

134352 NOV



Environmental Protection Agency

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

December 15, 2011

CERTIFIED MAIL

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

**Re: Notice of Violation
Explosive gas monitoring well relocation
Village of St. Bernard Landfill, Hamilton County, Ohio**

Dear Mr. 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.

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 19 of the Orders states: "Not later than sixty (60) days after Ohio EPA written approval, Respondent shall implement the revised remediation plan submitted pursuant to Order 18, as approved."

On November 10, 2011, Ohio EPA, Division of Materials and Waste Management ("DMWM") Southwest District Office ("SWDO") received correspondence titled: Village of St. Bernard, Proposed Compliance Monitor Relocation, CEC Project No. 100-194. The document contained an additional remediation plan ("2nd Plan") for the abatement of explosive gas migration at the property boundary of the St. Bernard Landfill.

The Village had installed a gas extraction trench in April of 2011 to remedy migration of explosive gas toward occupied structures located along the northern portion of the

landfill adjacent to residential homes. While the April Remediation Plan appeared to have remedied the majority of explosive gas migration, one set of explosive gas monitoring probes continued to exhibit explosive gas levels of methane above the LEL of 5% in ambient air. This area is monitored by explosive gas probes identified as MP-8, 8A, 8B, and 8C. The Village proposed to remove this series of explosive gas monitoring probes, excavate any methane generating materials within the area and relocate the probe series (to be identified as MP-8R, MP- 8AR, MP-8BR, and MP-8CR) closer to the explosive gas extraction trench in a more evenly spaced fashion.

On December 5, 2011, Ohio EPA sent correspondence to the Village regarding the proposed 2nd Plan. In the correspondence, Ohio EPA stated that the 2nd Plan was not approvable at that time due to the close proximity of the proposed new location of the explosive gas monitoring probes to the gas extraction trench. Ohio EPA provided the Village the opportunity to submit a revised additional plan to the Ohio EPA within thirty (30) days from receipt of that correspondence (January 7, 2011).

On December 6, 2011, Ohio EPA received the November 29, 2011, Gas Sampling Report for the St. Bernard Landfill. In the report, the Village states that the sampling event includes readings for newly installed probes MP-8R, MP-8AR, MP-8BR, and MP-8CR, which were installed on November 17, 2011.

Because the Village has installed explosive gas probes without approval pursuant to Order 18, **the Village is in violation of Order 18 of the Orders.**

Please provide a written response within seven (7) days from receipt of this correspondence regarding the Village's remedy to this violation and a time line for implementation of the remedy.

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

HHH/tf

cc: Phil Stegman, Service Director of the Village of St. Bernard
Ralph Hirshburg, CEC

ec: Tim Ingram, Hamilton County Public Health

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MAYOR WILLIAM BURKHARDT
 VILLAGE OF ST BERNARD
 110 WASHINGTON AVENUE
 ST BERNARD, OH 45217

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