



Environmental
Protection Agency

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

February 2, 2012

CERTIFIED MAIL

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

RE: **6th Notice of Deficiency and Notice of Violation of Order 16
Remediation Plan
Village of St. Bernard Landfill, Hamilton County, Ohio**

Dear Mr. Burkhardt:

On February 7, 2011, staff from Ohio Environmental Protection Agency ("Ohio EPA") received a document titled "Bank Avenue Landfill – Remedial Action Plan, Implementation Update, CEC Project No. 100-194" dated February 2, 2011 ("Update"). This document was submitted pursuant to Order 16 of the September 16, 2009, Director's Final Findings and Orders ("Orders") consensually entered into with the Village of St. Bernard ("Village") to abate or 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 16 of the Orders requires the Village to submit to Ohio EPA a report detailing the results of the remediation plan ("Plan") within thirty (30) days after commencement of the implementation of the Plan. The Plan was approved for implementation on September 9, 2010. As stated in the Update, commencement of the Plan was initiated on November 1, 2010.

On January 12, 2012, Ohio EPA received another two (2) submissions of the revised remediation plan titled: 1) "Response to 5th Notice of Deficiency dated Dec. 22, 2011, Village of St. Bernard Landfill, Hamilton County, Ohio, CEC Project No. 100-194" dated January 11, 2012, and 2) "Supplemental Response to 5th Notice of Deficiency dated Dec. 22, 2011, Village of St. Bernard Landfill, Hamilton County, Ohio, CEC Project No. 100-194". These documents were submitted to address the on-going deficiencies noted in the **five** previous submissions of the revised remediation plan provided by the Village. Each document will be addressed separately below:

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

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

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1. Response to 5th Notice of Deficiency

After review of this document, District Engineer, Michael Harris had noted one issue to be addressed:

- In Attachment B, of the Response to 5th Notice of Deficiency, the PROPOSED CONDENSATE TANK MONITORING SYSTEM drawing shows the low and high level alarms will be set at 1,000 gallons and 1,400 gallons respectively. However, the December 9, 2011, submittal Bank Avenue Landfill - Remedial Action Plan, Response to November 28, 2011 Notice of Deficiency, states, "The proposed level (volume) indicator will be set at 1,000 gallons (low alarm) and 1,250 gallons (high alarm)."

The low and high level alarms should be consistently reported in the proposals. Please provide clarification as to which level the alarms will be set.

2. Supplemental Response to 5th Notice of Deficiency

After review of this document, District Engineer, Michael Harris had noted one issue to be addressed:

- In Attachment C - PHOTOGRAPHIC LOG OF CLEANOUT MARKERS, of the Supplemental Response to 5th Notice of Deficiency, the cleanout markers are shown to be plastic yellow stakes. According to the Remediation Plan approved September 9, 2010, dated June 9, 2010, SECTION 3.1.5 - Installation of Clean Outs, "In the interest of minimizing the visibility of these access points, each riser will be fitted with a PVC slip cap and buried (12 inches deep) with an iron locating pin."

The placement of the plastic yellow stakes does not correspond to the approved Remediation Plan, and iron locating pins are expected to be installed.

Order 16

Order 16 of the Orders requires the Village to submit a report which includes "...documentation of remedial measures performed to abate or minimize explosive gas levels at the Facility Property Boundary."

This is the 6th Notice of Deficiency for the Remediation Plan approved on September 9, 2010 for Village's failure to provide complete documentation regarding implementation of the Remediation Plan as approved on September 9, 2010. Therefore, **the Village continues to be in violation of Order 16 of the Orders** and thus the remediation plan has not been implemented as approved by Ohio EPA on September 9, 2010.

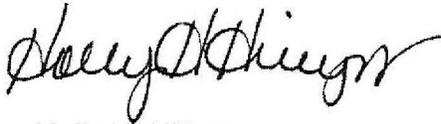
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 Mayor of the Village of St. Bernard
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Please provide a written response within fourteen (14) days from receipt of this correspondence including all necessary documentation and drawings associated with this installation.

The sooner the Ohio EPA receives complete and accurate documentation regarding the installation of the Remediation Plan as approved on September 9, 2010, the sooner the Village can return to compliance.

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: Tim Ingram, Hamilton County Public Health
 Chuck DeJonckheere, Hamilton County Public Health

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Sent To: **MR WILLIAM BURKHARDT
 MAYOR, VILLAGE OF ST BERNA
 110 WASHINGTON AVE
 ST BERNARD, OH 45217**

Street, Apt. 1 or PO Box N
 City, State, Z

PS Form 3800

7005 1820 0002 1627 1383

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<p>1. Article Addressed to:</p> <p>MR WILLIAM BURKHARDT MAYOR, VILLAGE OF ST BERNARD 110 WASHINGTON AVE ST BERNARD, OH 45217</p>	<p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540