



Environmental
Protection Agency

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

February 6, 2012
CERTIFIED MAIL

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

Re: Notice of Violation of Director's Final Findings Order, September 16, 2009
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.

Violation of Order 1

Order 1 of the Orders states "Respondent shall abate or minimize the formation or migration of explosive gas at the Facility and from the Facility to adjacent properties such that the threat to human health, safety or the environment no longer exists. Respondent has abated or minimized the formation and migration of explosive gas...when Respondent has reported to Ohio EPA a minimum of eight (8) quarters of sequential monitoring events in which none of the Facility's explosive gas monitoring probes exceeds the EGTL."

Since the Orders were signed on September 16, 2009, the Village has not been able to achieve compliance with Order 1 as demonstrated by eight sequential monitoring events in which none of the Facility's explosive gas monitoring probes exceeded the EGTL or Lower Explosive Limit (LEL). Consequently, the Village's failure to abate or minimize explosive gas above the EGTL or LEL may result in a hazard to the neighboring properties.

However, the Village has made various attempts to achieve compliance with Order 1 of the Orders as exhibited by the following:

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- Requesting access to private residential property to install additional explosive gas monitoring probes, explosive gas extraction wells, and/or removal of waste pursuant to Order 4, 6 – 10,
- Installation of a more extensive explosive gas extraction system, pursuant to Order 13, 16 – 18, and
- Installation of additional explosive gas monitoring probes closer to neighboring properties.

Because the Village has to date failed to abate or minimize the formation and migration of explosive gas at the Facility and from the Facility to adjacent properties, (as demonstrated by results indicating eight (8) sequential monitoring events in which none of the Facility's explosive gas monitoring probes exceeds the EGTL or LEL), the Village **is in violation of Order 1** of the Orders.

Please provide a written response within thirty (30) days upon receipt of this correspondence to Ohio EPA, DMWM, SWDO regarding a plan and timeline the Village intends to implement to remedy this situation.

It is imperative that explosive gas be abated or minimized from migrating to adjacent properties expediently to protect the health and safety of these residents. As stated by the Ohio Department of Health during the December 20, 2011 public meeting, methane continues to pose a potential physical hazard to the residents living adjacent to the landfill.

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
Chuck DeJonckheere, Hamilton County Public

HHH\bp

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

PS Form 3800, June 2002

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

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