



Environmental
Protection Agency

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

April 5, 2012

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

CERTIFIED MAIL

**RE: Notice of Violation
Ohio Administrative Code Rule 3745-27-13
Village of St. Bernard Landfill, Hamilton County**

Dear Mr. Burkhardt:

On March 28, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received an email from the Village of St. Bernard's legal representation. Included in that email was an attachment of drilling logs and probe installations for boring identified as: 1) Peat Probe A, 2) Drift Boring B, and 3) Drift Probe C. The logs indicated that the borings were installed into waste. It appeared from the drilling logs that the work was performed by SCS Engineers.

On March 30, 2012, I conducted a site inspection at the St. Bernard Landfill located south of Bank Avenue, in the Village of St. Bernard in Hamilton County, Ohio. The purpose of the inspection was to evaluate the current conditions at the landfill and to determine whether additional borings had been installed in the landfill per the March 28, 2012, email correspondence. During the inspection the following was noted:

- Five (5) flush mount probes appeared to be newly installed in the cap of the landfill. The location of these new probes were at the northern boundary of the landfill and adjacent to the neighboring residential homes.

Ohio Administrative Code Rule 3745-27-13 states in pertinent part:

"No person shall, without authorization from the Director, engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated. Any person proposing to engage in these activities on land where a hazardous waste facility or solid waste facility was operated shall comply with the requirements of this rule."

The Village of St. Bernard is in **violation** of Ohio Administrative Code Rule 3745-27-13 for installing borings and drilling into the landfill.

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By submittal entitled "Village of St. Bernard Landfill, Clarification of MP-8 Series Replacement Request, CEC Project No. 100-194" dated January 16, 2012, St. Bernard proposed to replace monitoring probes: MP-8, MP-8A, MP-8B, MP-8C and add an additional probe identified as MP-8D. It is unclear as to whether or not your recent activities in disturbing your cap system by installing the five (5) probes observed on March 30, 2012, are attempting to conduct work ahead of the Director's authorization, or some other work unrelated to the 2nd Remediation Plan. In any event, the installation of these probes is a violation of Ohio Administrative Code Rule 3745-27-13 for not obtaining prior authorization from the Director.

Please provide a written response within fourteen (14) days of receipt of this correspondence to Ohio EPA, DMWM, SWDO regarding the purpose of these newly installed probes, specific identification and location for all five (5) probes and a remedy to ensure these types of activities do not occur again without proper authorization.

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

Should you have any questions or concerns, please do not hesitate to contact me at (937)285-6072.

Sincerely,



Holly M. Hillyer
Environmental Specialist
Division of Materials and Waste Management

HHH/tf

ec: Tim Ingram, Health Commissioner, Hamilton County Public Health
Chuck DeJonckheere, Director, Hamilton County Public Health

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Sent To: Mayor William Burkhardt
 Street, Apt. No. or PO Box No.: Village of St. Bernard
 City, State, ZIP+4: 110 Washington Avenue
 St. Bernard, Ohio 45217

PS Form 3800, August 2001 Instructions

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<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> Mayor William Burkhardt Village of St. Bernard 110 Washington Avenue St. Bernard, Ohio 45217 </div>	<p>3. Service Type <input checked="" 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>
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