



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

July 18, 2013

Certified Mail

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

**RE: Notice of Violation
Open Dumping
Village of St. Bernard Landfill, Hamilton County**

Dear Mr. Burkhardt:

On July 8, 2013 the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO) Division of Materials & Waste Management (DMWM) received a document titled, "St. Bernard Landfill Delineation Investigation Report" (Report)". The document, dated June 28, 2013, was prepared and submitted by SCS Engineers on behalf of the village of St. Bernard. The Report contained results of a subsurface investigation on public and private properties along the north side of the closed St. Bernard Landfill to determine if waste material is present beyond the known limits of the landfill boundary.

Results obtained from this subsurface investigation event as witnessed by Ohio EPA staff present during the excavation activities as well as information contained in the Report indicate that waste is present on these adjacent properties. The village of St. Bernard has stated, in numerous documents submitted to Ohio EPA since 1991, the location of the northern boundary of the landfill. However, as evidenced in the results obtained from the April 2013 investigation event, waste extends past the area the Village has historically delineated as the northern boundary of the landfill.

Ohio Administrative Code Rule 3745-27-01(S)(23) defines solid waste as:

"Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from combustion of coal, biomass fuels, and ash that results from the

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combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris.”

Ohio Administrative Code Rule 3745-27-01(O)(4) defines open dumping of solid waste as:

“The deposition of solid wastes... into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility...”

Ohio Administrative Code Rule 3745-27-05(C) states in pertinent part:

“No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.”

Ohio Revised Code Section 3734.03 states in pertinent part:

No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code.

The Village of St. Bernard is in **violation** of Ohio Administrative Code Rule 3745-27-05(C) and Ohio Revised Code Section 3734.03 for allowing open dumping of solid waste at an unlicensed and unpermitted disposal facility by placing solid waste outside the designated limits of waste placement of the landfill.

Please provide a written response within fourteen (14) days upon receipt of this correspondence to Ohio EPA, DMWM, SWDO regarding a remedy to resolve these outstanding violations.

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.

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Should you have any questions or concerns, please do not hesitate to contact me at
(937) 285-6045.

Sincerely,

A handwritten signature in cursive script that reads "Tracy L. Buchanan, R.S.".

Tracy L. Buchanan, R.S.
Supervisor
Division of Materials and Waste Management

TB/kb

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

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 MR. WILLIAM BURKHARDT, MAYOR
 VILLAGE OF ST. BERNARD
 110 WASHINGTON AVENUE
 ST. BERNARD, OHIO 45217

PS Form 3800, August 2006 See Reverse for Instructions

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MR. WILLIAM BURKHARDT, MAYOR
 VILLAGE OF ST. BERNARD
 110 WASHINGTON AVENUE
 ST. BERNARD, OHIO 45217

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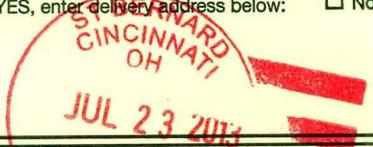
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