



State of Ohio Environmental Protection Agency OHIO E.P.A.

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SEP - 9 2010

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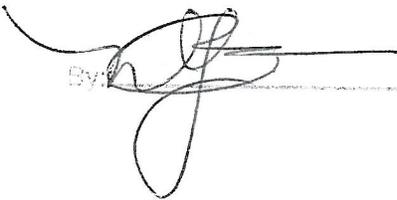
ENTERED DIRECTOR'S JOURNAL

SEP 09 2010

CERTIFIED MAIL

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

Mr. Phil Stegman
Service Director
City of St. Bernard
110 Washington Avenue
St. Bernard, Ohio 45217

By:  Date: 9.9.10

**Re: City of St. Bernard Landfill, Hamilton County
Remediation Plan Approval**

Dear Mr. Stegman:

On June 10, 2010, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a document titled "Bank Avenue Landfill, Response to OEPA Remedial Action Plan Comments, Ohio, CEC Project No. 100-194" (June Plan) dated June 9, 2010, with final revision received on June 14, 2010. This document was submitted pursuant to Order 13 of the September 16, 2009, Director's Final Findings and Orders (DFFOs) consensually entered into with the City of St. Bernard (City) to abate or 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.

Order 13 of the DFFOs required the City to submit to Ohio EPA for written approval a remediation plan within forty-five (45) days of the effective date of the DFFOs: "detailing how [the City] will remedy explosive gas migration at the Facility's property boundary. The [remediation plan] shall include detail plans that shall, at a minimum, provide for: a. Proposed remedial measures designed to abate or minimize explosive gas levels at the Facility's property boundary such that levels are maintained below the LEL [lower explosive limit] (5% methane in air by volume); and b. Conversion of the Facility's current active gas extraction system condensate collection to provide continuous automated removal of liquid from the system so as to prevent excessive condensate from impacting the effectiveness of the current active explosive gas extraction system."

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Order 15 of the DFFOs states that in the event the remediation plan is not approvable by Ohio EPA because it is deficient, Ohio EPA may approve the remediation plan with certain conditions and the City shall implement the approved remediation plan with conditions not later than sixty (60) days after Ohio EPA written approval.

The June Plan is approvable by Ohio EPA with the following conditions:

1. The City shall perform air discharge sampling of the gas extraction venting stack to re-evaluate the previous de minimis determination made on April 10, 2001, by the Hamilton County Department of Environmental Services (DES). This sampling is to be performed monthly using TO-15 standards (VOC), methane, and carbon monoxide at the riser of the stack and shall be submitted to Ohio EPA, DSIWM, SWDO and DES not later than fifteen (15) days after the date of each monthly sampling event.
2. All waste shall be characterized before removal from the Facility or disposal at another facility. This activity shall be performed in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including Chapter 3734 of the Ohio Revised Code (ORC) and applicable state and federal laws. The characterization shall be submitted to Ohio EPA, DSIWM, SWDO along with the disposal location of the waste material prior to removal or disposal of the waste to ensure proper waste disposal under ORC Chapter 3734.

END OF CONDITIONS

Ohio EPA recognizes the efforts by the City to develop a remediation plan and notes the more extensive provisions of the June 14, 2010 Plan to be potentially more protective of human health and the environment. Nevertheless, time is of the essence.

It is the expectation of Ohio EPA that the noted condition and advisory within this correspondence, as well as the DFFOs, will be complied with during remediation plan activities. This approval is one in a series of steps the City is required to take to move forward in fulfilling the DFFOs. Approval of the June Plan will also initiate additional Orders specifically, but not limited to, Order 14 regarding implementation of the approved remediation plan, Order 16 regarding reporting and documentation of implementation results from the remediation plan, Order 17 regarding additional reporting of explosive gas monitoring, and Order 21 regarding submission of a revised Explosive Gas Monitoring Plan.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within 30 days after notice of the Director's action. The appeal must be

Mr. Phil Stegman, Service Director
City of St. Bernard
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accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Kevin Boyce," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

Should you have any questions or concerns, please contact Holly Hillyer at (937) 285-6072.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Korleski". The signature is fluid and cursive, with a large initial "C" and "K".

Chris Korleski
Director

cc: William Burkhardt, Mayor of the City of St. Bernard
Jeff Hurdley, Ohio EPA, Legal
Tracy Buchanan, Ohio EPA, DSIWM, SWDO