



**Environmental
Protection Agency**

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

OHIO E.P.A.

MAY 16 2012

ENTERED DIRECTOR'S JOURNAL

May 16, 2012

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
Village of St. Bernard
110 Washington Avenue
St. Bernard, Ohio 45217

By: John R. Kasich Date: 5-16-12

**Re: St. Bernard Landfill, Hamilton County
Approval of Second Revision of Explosive Gas Remediation Plan**

Dear Mr. Stegman:

On January 17, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a document titled: "Village of St. Bernard Landfill, Clarification of MP-8 Series Replacement Request, CEC Project No. 100-194", containing a second revision of an explosive gas remediation plan (2nd Revised Plan) dated January 16, 2012. The 2nd Revised Plan was submitted pursuant to Order 18 of the September 16, 2009, Director's Final Findings and Orders (DFFOs) consensually entered into with the Village of St. Bernard (Owner) 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.

The Owner submitted the first explosive gas remediation plan, approved September 9, 2010, in accordance with the DFFOs. The Owner also submitted an Explosive Gas Monitoring Plan, approved December 6, 2011, which was required because the remediation plan made changes to the explosive gas monitoring system. In accordance with the remediation plan, in April of 2011, the Owner installed a gas extraction trench to abate the migration of explosive gas toward residential homes located along the northern portion of the landfill. While the remediation appeared to have eliminated the majority of explosive gas migration, one set of explosive gas monitoring probes, MP-8, MP-8A, MP-8B, and MP-8C, continued to have detections of methane above the Lower Explosive Limit (LEL) of 5% in ambient air. Ohio EPA requested from the Owner a revised explosive gas

remediation plan, including a relocation of a series of explosive gas monitoring probes, MP-8R, MP-8AR, MP-8BR, and MP-8CR, because they were too close to the boundary of the disposal area.

On November 10, 2011, Ohio EPA, DMWM, SWDO received a document titled "Village of St. Bernard, Proposed Compliance Monitor Relocation, CEC Project No. 100-194." The document contained a revised remediation plan for the abatement of explosive gas migration at the property boundary of the Facility. Ohio EPA noted a deficiency with the proposed explosive gas monitoring probe relocation contained in the document; the proposed relocation of monitoring probes MP-8R, MP-8AR, MP-8BR, and MP-8CR was too close to the gas extraction system and could be influenced by the extraction system. Ohio EPA requested a second revision of the remediation plan from the Owner.

In the 2nd Revised Plan dated January 16, 2012, the Owner proposes to remove explosive gas monitoring probes MP-8, MP-8A, MP-8B, and MP-8C, excavate any methane generating materials within the area, and replace the probes in the same geologic location in a more evenly spaced fashion.

Order 20 of the DFFOs states that if Ohio EPA finds that the remediation plan submitted by the Owner is deficient, Ohio EPA may approve the revised remediation plan with certain conditions. The Owner shall then implement the revised remediation plan with conditions not later than sixty (60) days after Ohio EPA's approval of the plan.

Ohio EPA therefore approves the January 16, 2012 2nd Revised Plan with the following conditions:

1. The Owner is to ensure that the four (4) MP-8 series explosive gas replacement monitoring probes (MP-8, 8A, 8B, 8C) will be relocated in the same area (at or near the property boundary) and in the same geological stratification as the current four (4) MP-8 series explosive gas monitoring probes. The Owner will also install an additional explosive gas monitoring probe (MP-8D) to the current MP-8 series as identified in the 2nd Revised Plan.
2. Pursuant to Ohio Administrative Code (OAC) Rule 3745-27-12(F) and Section 2.6 of the Explosive Gas Monitoring Plan approved by Ohio EPA on December 6, 2011, a certification report shall be submitted to Ohio EPA. The certification report shall include the initial reporting of the monitoring results in accordance with the approved explosive gas monitoring plan and also contain the following:
 - a. Record drawing showing the locations of all permanent explosive gas monitors with their associated identification designations.
 - b. Geologic logs from the installation of each permanent explosive gas monitor.
 - c. Depth and length of screened intervals for each permanent explosive gas monitor.

- d. A geologic cross section of the perimeter of the side of the landfill property encompassing all the geologic logs for all available permanent monitors on the northern boundary of the landfill.
3. Any waste generated through implementation of the approved 2nd Revised Plan shall be appropriately characterized prior to disposal at another facility in compliance with all applicable state and federal environmental laws and regulations, including Ohio Revised Code (ORC) Chapter 3734. The characterization is to be submitted to Ohio EPA, DMWM, 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.
4. Supplemental monitoring probes identified as MP-8R, 8AR, 8BR, and 8CR are not to be used as monitoring probes to detect the presence of explosive gas to determine compliance with OAC Rule 3745-27-12, the DFFOs, or the December 6, 2011 approved Explosive Gas Monitoring Plan.

END OF CONDITIONS

Order 19 of the DFFOs states: "No later than sixty (60) days after Ohio EPA written approval, Respondent shall implement the revised remediation plan submitted pursuant to Order 18, as approved." Ohio EPA expects that the Owner will comply with the noted conditions and advisory within this correspondence, as well as the DFFOs during remediation plan activities. Also, please be aware that this approval is only one of a series of steps that the Owner is required to take fulfill the DFFOs. Approval of this remediation 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 of Environmental Protection (Director) is final and may be appealed to the Environmental Review Appeals 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 thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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 (3) 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:

Mr. Phil Stegman
Service Director, Village of St. Bernard
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Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, Ohio 43215

If you have any questions or concerns, please contact Holly Hillyer of Ohio EPA, DMWM, SWDO at (937) 285-6072.

Sincerely,



Scott J. Nally
Director

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