



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

CERTIFIED MAIL

November 23, 2009

Yogi V. Chokshi
Reserve Environmental Services, Inc.
4633 Middle Road
P.O. Box 1038
Ashtabula, OH 44005-1038

**RE: RESERVE ENVIRONMENTAL SERVICES, INC., OHD 980 793 384,
ASHTABULA COUNTY, F039 SLURRY NOV**

Dear Mr. Chokshi:

Ohio EPA has identified the following violations of the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC):

- 1. ORC §3734.02 (E)&(F), Unlawful Storage of Hazardous Waste:** A generator may for 90 days or less accumulate hazardous waste that is generated on-site without an Ohio hazardous waste permit.

As a result of RCRA Corrective Action/closure activities at Sites C/D/E, RES generated bio-polymer (guar) slurry. After its intended use, the expired slurry was placed into eight temporary holding tanks awaiting on-site waste management activities. Due to the material's high biological oxygen demand (BOD), the slurry could not be treated and discharged through the Free Liquids Treatment Facility (FLTF). Since the slurry had come in contact with multi-source leachate, arrangements have been made to ship the slurry off-site as a F039/D040 hazardous waste.

The slurry has been accumulating on-site since at least June 1, 2009. As such, RES stored hazardous waste on-site for greater than 90-days in violation of ORC §3734.02 (E)&(F).

In addition to the above violation, RES failed to comply with the following hazardous waste generator requirements while the waste was on-site:

- 2. OAC rule 3745-52-34(A)(3), Hazardous Waste Tank Labeling Requirements;**
- 3. OAC rule 3745-66-92, Design and Installation of New Tank Systems and Components;**

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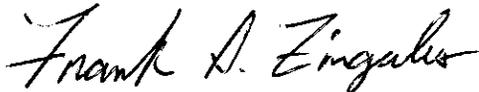
4. OAC rule 3745-66-93(A), Secondary Containment Requirements; and
5. OAC rule 3745-66-95 (A)(1)(2), Tank Inspections.

To abate the above violations, RES must immediately ship the hazardous waste off-site to a permitted facility. Submit documentation (e.g., hazardous waste manifests) which confirms that the expired slurry has been lawfully shipped off-site to a permitted facility.

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve RES from having to comply with all applicable regulations.

The above violations must be immediately addressed and all of the above requested documentation of compliance must be submitted to my attention at the Ohio EPA within 30 days of receipt of this letter. Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales
Environmental Specialist
Division of Hazardous Waste Management

FAZ:ddw

cc: Natalie Oryshkewych, DHWM, NEDO
Christopher Black, USEPA-Region V
Bruce Geno, Cummings Riter Consultants, Inc.
ec: Nyall McKenna, DHWM, NEDO
Erm Gomes, DSW, NEDO
Harry Sarvis, DHWM, CO