



State of Ohio Environmental Protection Agency

Northeast District Office

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

February 22, 2007

**RE: RES SITE "B" LANDFILL  
GROUND WATER MONITORING  
NOTICE OF VIOLATION**

Yogi Chokski  
Reserve Environmental Services  
4633 Middle Road  
P.O. Box 1038  
Ashtabula, Ohio 44004

Dear Mr. Chokshi:

The Ohio Environmental Protection Agency (Ohio EPA) has conducted a review of the ground water monitoring at Reserve Environmental Services' (RES) Site "B" Landfill. RES must conduct ground water monitoring in accordance with Ohio Administrative Code (OAC) Rules 3745-29-10 and 3745-30-08, as effective August 15, 2003.

Ohio EPA conducted a brief compliance status review to identify the rule violations and length of non-compliance associated with them since the rule changes that went into effect August 15, 2003. This compliance status review was limited to Ohio EPA's most recent file for RES (2002-present), the two most recent ground water data reports (2004 and 2005), the revised ground water monitoring program plan, and should not be construed as all encompassing.

The following violations were determined based on a broad review of the documents and files mentioned above. Further elaboration will be forthcoming after more detailed reviews of the specific documents.

**1. OAC Rules 3745-29-10(A) and 3745-30-08(A)(2)(a):**

**OAC 3745-29-10(A)** *"The owner or operator of an industrial solid waste landfill facility permitted and operating, undergoing closure, conducting post-closure care, or with an approved closure plan under Chapter 3745-29 of the Administrative Code shall comply with the requirements of rule 3745-30-08 of the Administrative Code."*

**OAC 3745-30-08(A)(2)(a)** *states "A ground water monitoring plan previously submitted as part of an industrial solid waste landfill facility permit to install or closure plan shall be revised to comply with this rule and submitted to Ohio EPA within two hundred seventy days after the effective date of this rule. The previously submitted plan shall remain in effect until sixty days after the revised plan is submitted."*

These rules required that the owner/operator, no later than 270 days after August 15, 2003, submit a revised ground water monitoring plan pursuant to OAC Rule 3745-30-08. Two-hundred and seventy days from August 15, 2003, was May 11, 2004. RES failed to submit a revised ground water monitoring plan in accordance with these rules until May 8, 2006. Therefore, RES was in violation of these rules for a total of one year and 362 days. RES returned to compliance with these rules upon Ohio EPA receipt of the revised ground water monitoring plan.

**2. OAC Rules 3745-30-08(C)(7) and 3745-30-08(D)(4):**

**OAC Rules 3745-30-08(C)(7)** states *"The owner or operator shall determine whether or not there is a statistically significant increase (or change in the case of pH) from background values for each parameter or constituent required by paragraph (D), (E), or (F) of this rule, as applicable. The owner or operator shall make this statistical determination either semi-annually, if paragraph (D) of this rule applies, or as specified in the ground water quality assessment plan required by paragraph (E) of this rule if that paragraph applies, or as specified by the director in the corrective measure selected in accordance with paragraph (F) of this rule if that paragraph applies. To determine whether a statistically significant increase or decrease has occurred, the owner or operator shall compare the ground water quality of each parameter or constituent at each downgradient ground water monitoring well to the background value of that parameter or constituent according to the statistical procedures specified in paragraphs (C)(5) and (C)(6) of this rule."*

**OAC 3745-30-08(D)(4)** states *"After the initial year, all monitoring wells shall be sampled at least semi-annually and the samples analyzed for the indicator parameters specified either in appendix III of this rule for the owner or operator's waste(s) or in the alternate parameter list approved in accordance with paragraph (D)(2) of this rule. The owner or operator shall statistically analyze the results for these required indicator parameters in accordance with paragraph (C)(7) of this rule. The number and kinds of samples collected shall be consistent with the statistical method used to analyze the data and shall be as often as necessary to ensure, with reasonable confidence, that a contaminant release to the ground water from the facility will be detected."*

These rules require the owner/operator conduct semiannual ground water sampling and statistical analysis for indicator parameters listed in Appendix III of this rule, or the established list of alternate indicator parameters. Since RES is operating with an approved alternate indicator parameter list, semiannual ground water sampling and statistical analysis for these parameters should have been taking place twice a

taking place twice a year. However, it appears that RES is no longer successfully implementing semiannual ground water sampling. For the calendar years 2004 and 2005, RES only managed to sample the ground water monitoring system one time per year, or on an annual basis, not a semiannual basis. Ohio EPA is not in receipt of any ground water data for samples collected during the 2006 calendar year. So it appears that RES has failed to also meet the semiannual sampling requirements for 2006.

At a minimum, RES needs to immediately resume semiannual ground water sampling pursuant to these rules and the revised ground water monitoring plan for the RES Site B Landfill. If RES has not already done so, RES should ensure that semiannual ground water sampling is conducted at the RES Site B Landfill ground water monitoring wells before December 31, 2006.

**3. OAC Rules 3745-30-08(B)(3)(e), 3745-30-08(C)(7), 3745-30-08(D)(4), and 3745-30-08(D)(5):**

**OAC Rules 3745-30-08(B)(3)(e)** state *"The monitoring wells, piezometers, and other measurement, sampling, and analytical devices shall be operated and maintained to perform to design specifications throughout the life of the ground water monitoring program."*

**OAC 3745-30-08(C)(7)** states *"The owner or operator shall determine whether or not there is a statistically significant increase (or change in the case of pH) from background values for each parameter or constituent required by paragraph (D), (E), or (F) of this rule, as applicable. The owner or operator shall make this statistical determination either semi-annually, if paragraph (D) of this rule applies, or as specified in the ground water quality assessment plan required by paragraph (E) of this rule if that paragraph applies, or as specified by the director in the corrective measure selected in accordance with paragraph (F) of this rule if that paragraph applies. To determine whether a statistically significant increase or decrease has occurred, the owner or operator shall compare the ground water quality of each parameter or constituent at each downgradient ground water monitoring well to the background value of that parameter or constituent according to the statistical procedures specified in paragraphs (C)(5) and (C)(6) of this rule."*

**OAC 3745-30-08(D)(4)** states *"After the initial year, all monitoring wells shall be sampled at least semi-annually and the samples analyzed for the indicator parameters specified either in appendix III of this rule for the owner or operator's waste(s) or in the alternate parameter list approved in accordance with*

*paragraph (D)(2) of this rule. The owner or operator shall statistically analyze the results for these required indicator parameters in accordance with paragraph (C)(7) of this rule. The number and kinds of samples collected shall be consistent with the statistical method used to analyze the data and shall be as often as necessary to ensure, with reasonable confidence, that a contaminant release to the ground water from the facility will be detected.*

**OAC 3745-30-08(D)(5)** states *“After the initial year, all monitoring wells shall be sampled at least annually and the samples analyzed for the water quality annual parameters specified either in appendix III of this rule for the owner or operator’s waste(s) or in the alternate parameter list approved in accordance with paragraph (D)(2) of this rule.”*

RES has failed to maintain, sample, and statistically analyze ground water monitoring wells MW-931S and MW-932S. These wells were apparently damaged during the construction phase of Stage 3. The damage was sustained either in early 1999 or sometime during 1998. To date, the owner/operator has failed to sample these wells, properly abandon these wells and install replacement wells. As such, the owner/operator has been in violation of these rules for six, possibly seven years.

At a minimum, RES needs to immediately install replacement wells for these locations (MW-931S and MW-932S), properly develop the new wells, and resume semiannual ground water sampling of the replacement wells pursuant to these rules. Once this has been accomplished, the owner/operator needs to arrange for the proper abandonment of the damaged wells, if they have not already been properly abandoned.

4. **OAC Rule 3745-30-08(C)(8)** states *“All ground water analysis results, statistical analysis results, and ground water elevation data generated in accordance with paragraphs (C), (D), (E), and (F) of this rule shall be submitted to Ohio EPA not later than seventy-five days after sampling the well. All ground water data and accompanying text shall be submitted on a form specified by the director.”*

RES failed to submit the 2004 and 2005 ground water data reports within the 75-day time frame specified by this rule. Regarding the 2004 ground water event, sampling activities ended on October 6, 2004. Counting 75 days from the 6th of October means the results of this sampling event were due on December 20, 2004. However, Ohio EPA did not receive the sampling results until March 7, 2006, one year and 77 days past the 75-day requirement. This same violation occurred for the 2005 ground water event. Sampling activities ended on October 15, 2005, meaning

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the results of this sampling event were due on December 29, 2005. Again, Ohio EPA did not receive the sampling results until March 7, 2006, one year and 68 days past the 75-day requirement.

At a minimum, RES needs to immediately resume regularly meeting this reporting requirement after each ground water sampling event.

Please respond to this letter in writing within fourteen (14) days to indicate how you have abated or will abate the above violations. The content of this letter does not relieve the owner/operator from its obligation to comply with other applicable requirements set forth in ORC Chapter 3734 and the rules promulgated there under, or its obligation to comply with other applicable State and Federal laws and regulations.

If you have any technical questions regarding this review, please contact Mark Kroenke at (330) 963-1225. Please submit all correspondence to Colum McKenna, Division of Solid and Infectious Waste Management, Northeast District Office, Ohio EPA, 2110 East Aurora Road, Twinsburg, Ohio 44087.

Sincerely,



Colum McKenna  
Environmental Specialist  
Division of Solid and Infectious Waste Management

CJM:cl

cc: Mark Kroenke, NEDO-DDAGW  
Ray Saporito, Ashtabula County Board of Health  
File: [TUKEL/LAND/RES Site "B" Landfill/GRO/04]