



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

January 28, 2010

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

CERTIFIED MAIL

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 reviewed the May 2, 2007 document regarding "RES Site B Landfill Groundwater Monitoring: Notice of Violation dated February 22, 2007, Notice of Deficiency dated February 27, 2007 (General GWM Review), Notice of Violation dated February 28, 2007 for GWM Reports, [and] Notice of Violation dated February 28, 2007 for GWMP/SAP." The document was submitted by Reserve Environmental Services (RES) in regards to the Site B landfill and was received by Ohio EPA on May 3, 2007. RES is responsible for conducting ground water monitoring in accordance with Ohio Administrative Code (OAC) Rules 3745-29-10 and 3745-30-08, as effective August 15, 2003.

Upon review of the document, Ohio EPA determined that the responses to the notices of violation (NOV) identified below were not satisfactory and still need to be addressed:

A. RES response to February 28, 2007 NOV for 2004/2005 Groundwater Monitoring Reports

Response to Item 4(a):

Ohio EPA stated that RES failed to measure the groundwater elevations in all monitoring wells within a single 24-hour period, prior to purging and sampling each well, and did not document the elevations associated with each well on the potentiometric surface map for the 2004 event.

RES responded by providing in Attachment 5 the calculated groundwater elevation data taken from the field logs for the sampling event. RES acknowledged that this water level data was not obtained within 24 hours. RES responded further that in the future all of the Site B monitoring wells would be sampled within a single 24-hour period and, that the depth to water within each monitoring well would be measured again immediately prior to purging and sampling. Ohio EPA is satisfied by this portion of the response.

However, RES also responded that including the elevation data on the map would render the map difficult, if not impossible, to read and that in the future the water level data would be provided in table form. Ohio EPA does not find this to be a satisfactory response. The rules require that the groundwater elevations for each well be documented on the potentiometric surface map. This

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enables Ohio EPA to easily check the interpretation of the potentiometric surface maps. Therefore, RES must submit a larger map at a different scale so that both the well designations and the water level data are legible. RES may submit a smaller scale map of just Site B in addition to the map of the entire facility.

Response to Item 4(b):

Ohio EPA stated that RES failed to document the elevations associated with each well on the potentiometric surface map for the 2005 event.

RES again responded that including the elevation data on the map would render the map difficult, if not impossible, to read, and that in the future the water level data would be provided in table form. Ohio EPA does not find this to be a satisfactory response. See response to item A 4(a) above.

Response to Item 5:

Ohio EPA stated that RES failed to adequately preserve all the 2004 groundwater samples by not cooling the samples and maintaining them in a cooled state until they were received and analyzed by the lab. The groundwater samples were logged in at a temperature of either 9 or 10 degrees Celsius.

RES stated that the samples were cooled with ice packs, which is why there was no residual ice in the coolers when received by the lab. In addition, RES provided a response from the laboratory in Attachment 7. The lab stated that the parameters that require a temperature of 4 degrees Celsius (+/- 2 degrees) are alkalinity, turbidity, total dissolved solids (TDS), sulfate, and organics parameters. "Samples submitted for volatile organic compound (VOC) analysis were received in a 40 ml vial preserved with hydrogen chloride (HCL) and zero headspace. The expected loss of analytes would be minimal due to the Teflon septa being intact when the samples were received. In addition to the above information, comparisons of historic data from this site show that samples were not adversely affected by the sample receipt temperature." RES stated that in the future wet ice would be used in order to permit the use of the 'visible ice' verification procedure.

For Ohio EPA to accept the sample results, RES needs to submit a comparison of historic data from the site, along with relevant statistics and/or charts, in order to demonstrate that the samples were not adversely affected by the elevated sample temperature.

B. RES response to February 28, 2007 NOV for GWMP/SAP

Response to Item 4:

Ohio EPA stated that water level elevations should be measured within a 24-hour period and should be shown on the potentiometric surface map. RES responded that they would measure the Site B wells within a 24-hour period. However, RES stated that the map would not be legible

if the water level data was included on the map and stated that they would put the water level data in table form instead. As previously stated, this is not acceptable. Refer to item A 4(a) above.

In addition, Ohio EPA found the following comments to be satisfactory and does not require any further response.

I. **Response to February 22, 2007 NOV for general GWM**

Response to Item 1

RES acknowledged that the Groundwater Monitoring Plan/Sampling and Analysis Plan (GWMP/SAP) was submitted nearly two years late and stated that this was due in part to uncertainty regarding what indicator parameters to use during detection monitoring. Please note that the alternate indicator parameter request is being addressed in a separate correspondence.

Response to Item 2

RES acknowledged that there was only annual sampling of the groundwater monitoring system during 2004 and 2005 due to personnel and resource issues. RES stated that those issues have been resolved and two semiannual groundwater sampling events were conducted in 2006.

Response to Item 3

Ohio EPA stated that damaged monitoring wells MW-931S and MW-932S needed to be properly abandoned and replaced. RES scheduled this work to be completed in May 2007 and documented the work in the October 4, 2007 letter. Please note that the review of the October 4, 2007 document is being addressed in a separate correspondence.

II. **Response to February 27, 2007 Notice of Deficiency regarding request for alternative indicator parameters**

Please note that the review of the request for alternative Indicator parameters is being addressed in conjunction with the May 2, 2006 permit alteration request and Ohio EPA review will be documented in a separate correspondence.

III. **Response February 28, 2007 NOV for 2004/2005 GWM Reports**

Response to Item 1(a)

Ohio EPA stated that replacement wells must be installed, developed, sampled and statistically analyzed for MW-931S and MW-932S and the damaged wells must be abandoned. In the March 12, 2007 letter, RES stated that this work would be completed in May of 2007. In the October 4, 2007 letter, RES documented the work. Please note that the review of the October 4, 2007 document is being addressed in a separate correspondence.

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Response to Item 1(b)

Ohio EPA stated that RES failed to maintain and sample monitoring wells MW-906S and MW-804S as no or insufficient groundwater was produced for sampling. Ohio EPA stated that RES must investigate and remedy the problem and submit a detailed report of the findings. RES responded in a March 12, 2007 letter that both cases were the result of pump malfunctions, that the problems had been rectified by replacement of the coupling on the airline inlet, that the wells were subsequently successfully sampled, and that no report was necessary. RES also explained how they would handle the situation if it occurred again in the future. Ohio EPA concurs that this response is satisfactory.

Response to Item 2(a)

See 1(a) above.

Response to Item 2(b)

See 1(b) above.

Response to Item 3(a)

Ohio EPA stated that RES failed to submit the 2004 and 2005 ground water data reports within the 75 day time frame specified by rule. RES responded that they would make every effort to meet the 75 day reporting requirement in the future. Ohio EPA has no further comment.

Response to Item 3(b)

Ohio EPA stated that RES failed to submit all field information forms to document the purging and sampling activities that took place at each monitoring well during both the 2004 and 2005 sampling events. RES responded by including copies of the requested field logs in Attachments 2 and 3. Ohio EPA is satisfied by this response.

Response to Item 3(c)

Ohio EPA stated that RES failed to submit the chain of custody form and the complete data results for VOCs for monitoring well MW809D in the 2004 groundwater data report. RES responded by including this data in Attachment 4. Ohio EPA is satisfied by this response.

Response to Items 6(a) and 6(b)

Ohio EPA stated that RES failed to adequately document the custody of the 2004 and 2005 samples from collection to the laboratory. RES stated that the apparent custody holes occurred when samples were stored in a secured refrigerator within the RES offices. In the future, when the sampling crew places the samples into the secured refrigerator it will be noted in the custody chain documentation. This response is considered satisfactory.

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IV. Response to February 28, 2007 NOV for GWMP/SAP

Response to Item 1

Ohio EPA stated that the GWMP/SAP was late. RES acknowledged this. Ohio EPA has no further comment.

Response to Item 2

Ohio EPA stated that MW-931S and MW-932S must be replaced. RES provided documentation that this was done. Please note that the review of the October 4, 2007 will be addressed in a separate document.

Response to Item 3

Ohio EPA stated that the GWMP/SAP must include well logs for all the Site B monitoring wells. RES stated that the GWMP/SAP will be revised accordingly and submitted under separate cover. The revised GWMP/SAP was submitted on November 19, 2008. Please note that the review of the November 19, 2008 document will be addressed in a separate correspondence.

Response to Item 5

Ohio EPA stated that, without formal approval from the Director of Ohio EPA, RES eliminated all of the volatile organic chemicals from the annual sampling requirement and reduced the semiannual indicator parameter list to only three constituents: ammonia, chloride and chemical oxygen demand. These changes require a formal request be approved by the Director prior to their use. No such request has been approved; as such these changes to the GWMP/SAP are in violation of the rules. In addition, Chapter III, Section D-2, Table 2 in Section E-1, Section E-2 and Table 5 in Section G all contain information pertaining to VOCs and VOC sampling protocol that has been struck or removed from the GWMP/SAP and must be reinstated.

RES stated that the GWMP/SAP will be revised accordingly and submitted under separate cover. RES also stated that because approval had not yet been received from Ohio EPA for the alternative parameters, RES did sample all of the Appendix III H parameters, including VOCs, during the two semiannual sampling events in 2006. This response is acceptable to Ohio EPA.

Response to Item 6(a)

Ohio EPA stated that the GWMP/SAP failed to contain a complete discussion of the low flow purging and sampling procedures. RES responded that the GWMP/SAP will be revised accordingly and sent under separate cover for Ohio EPA review. Please note that the review of the revised GWMP/SAP is being addressed in a separate correspondence.

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Response to Item 6(b)

Ohio EPA stated that the GWMP/SAP failed to contain an acceptable sampling procedure for collecting samples for dissolved metals analysis. RES stated that the GWMP/SAP will be revised accordingly and submitted under separate cover.

RES also requested guidance from Ohio EPA as to whether the regulation intends dissolved metals or total metals to be analyzed and stated that until Ohio EPA responds to this inquiry total metals analysis will continue to be conducted. In response Ohio EPA confirms that the rules do not specify whether the Appendix III – H metals are total metals or dissolved metals. Therefore, the Ohio EPA Technical Guidance Manual Chapter 10 - Groundwater Sampling, is referred to for guidance. In this case, since total metals have been successfully analyzed for in all the previous sample events, total metals should continue to be analyzed for consistency.

Response to Item 7

Ohio EPA stated that the GWMP/SAP failed to adequately describe the statistical methods and procedures that will be followed to analyze the sampling results collected from the Site B monitoring wells. RES responded that the GWMP/SAP will be revised accordingly and sent under separate cover for Ohio EPA review. The revised GWMP/SAP was submitted on November 19, 2008 and will be reviewed by Ohio EPA in a separate correspondence.

Response to Item 8

Ohio EPA noted some typos or transcription errors in the GWMP/SAP. RES responded that the GWMP/SAP will be revised accordingly and sent under separate cover for Ohio EPA review. The revised GWMP/SAP was submitted on November 19, 2008 and the review will be detailed in a separate correspondence.

Response to Item 9

Ohio EPA recommended that the GWMP/SAP be revised to remove the entire section on corrective measures. RES responded that the GWMP/SAP will be revised accordingly and sent under separate cover for Ohio EPA review. The revised GWMP/SAP was submitted on November 19, 2008 and the section on corrective measures has been removed.

Response to Item 10

Ohio EPA recommends that RES revise the decontamination procedures in the GWMP/SAP to eliminate the rinses with nitric acid, acetone and hexane. RES responded that decontamination procedures in the GWMP/SAP will be clarified and sent under separate cover for Ohio EPA review. The revised GWMP/SAP was submitted on November 19, 2008 and includes revised decontamination procedures. Specifically, the revised documents clarify if non-dedicated sampling equipment is used the above referenced rinses will be used (to avoid cross-contamination from Sites A or C). This response is acceptable to Ohio EPA.

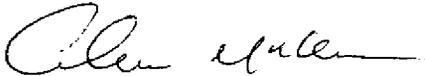
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Please respond to the outstanding issues identified in sections A and B of this letter. Please submit the response in writing within fourteen (14) days to indicate how you have abated or will abate the above violations.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release RES from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

If you have any technical questions regarding this review, please contact Kathryn Epp at (330) 963-1233. 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: Kathryn Epp, NEDO-DDAGW
Ray Saporito, Ashtabula County Board of Health
File: [Kurko/LAND/RES Site B Landfill/GRO/04]

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1. Article Addressed to:

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

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 Donald R. Koski Agent
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