



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

December 29, 2009

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 document titled "Site B Industrial Solid Waste Disposal Facility, Semiannual Groundwater Monitoring Results 1st Semiannual Event 2007." The report is not dated, but it was received by Ohio EPA on November 19, 2008. The report was submitted by Reserve Environmental Services (RES) in regards to the Site B landfill. The owner/operator of 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.

Analytical results indicate that there has been no statistically significant increase in chloride, ammonia or COD. However, required statistical analyses of other Appendix III-H parameters were not performed. The document was not submitted within 75 days of sampling, and some of the documentation is missing. RES is, therefore, in violation of the following:

1. **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)(6) states "Ground water samples shall be field analyzed for temperature, specific conductance, and pH whenever a sample is withdrawn from a monitoring well."

The owner/operator failed to obtain at least two semiannual groundwater samples during 2007 and failed to monitor for temperature, specific conductance and pH each time the well is sampled. According to Appendix III-H parameter list, the following double starred parameters are required to be monitored at least twice per year and the single starred parameters are required to be monitored each time the well is sampled:

- Temperature**
- Specific conductance**
- pH**
- Ammonia***
- Calcium***
- Chloride***
- Iron***
- Nitrate-nitrite***
- Potassium***
- Sodium***
- Sulfate***
- Total alkalinity***

Upon review of the document, it was determined that the analytical data provided in the document was the annual monitoring (Appendix III-H parameters) data that was conducted on September 20-26, 2007. Therefore, the document was actually the second semiannual ground water monitoring event. The first semiannual ground water monitoring event was not completed. Similarly, only annual monitoring was conducted in 2004 and 2005, so this is a serious and persistent issue.

2. **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.”

The owner/operator failed to obtain both semiannual and annual groundwater samples of replacement monitoring wells 931SR and 932SR. The owner/operator stated that wells 931S and 932S were to be abandoned and alternate wells drilled as specified in their response of March 26, 1999. The owner/operator stated the wells were replaced in August-September of 2007, but that the new wells had not been developed at the time of the September 20, 2007 sampling event. Therefore, these wells should have been sampled following development and results submitted under separate cover and within 75 days of sampling.

The owner/operator must collect ground water samples from all monitoring wells at each monitoring event and submit the data and statistical analysis to Ohio EPA within 75 days of sampling.

3. **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.”*

The owner/operator failed to conduct statistical analyses on the Appendix III-H semiannual parameters in order to determine if any of the downgradient wells have exceeded background concentrations for any of these parameters. The owner/operator only performed statistical analyses on chloride, ammonia and COD. However, statistical analysis was not completed for the remaining parameters and the director of Ohio EPA has not approved an alternate parameters list.

To achieve compliance with this rule, statistical analyses must be performed on all the Appendix III-H parameters for which there are detections.

4. **OAC 3745-30-08(D)(4)** 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."

The owner/operator failed to submit all ground water analysis results, statistical analysis results, and groundwater elevation data to Ohio EPA within seventy-five days after sampling the well(s). The wells were sampled on September 20-26, 2007 but the ground water analysis results, statistical analysis results, and ground-water elevation data was not received by Ohio EPA until more than one year later.

To avoid future violations this data and analyses must be submitted to Ohio EPA not later than seventy-five days after sampling the wells.

5. **OAC 3745-30-08(C)(1)(b)(iv)** states that the ground water monitoring program shall include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide an accurate representation of ground water quality at the background and downgradient wells and shall include a detailed description of the equipment, procedures, and techniques to be used for the collection of ground water samples, including *"Sample preservation."*

The owner/operator failed to demonstrate proper sample preservation. While the chain-of-custody forms do indicate that the samples were kept refrigerated between sampling and delivery to the laboratory, the chain-of-custody forms were not completed with notations regarding sample temperature and whether there was ice in the coolers upon receipt at the laboratory. In addition, the forms do not indicate what if any other preservatives were utilized.

To avoid future violations a detailed description of the equipment, procedures, and techniques to be used for the collection of ground water samples must be provided.

6. **OAC 3745-30-08(C)(1)(c)** states that the ground water monitoring program shall include consistent sampling and analysis procedures ... that are designed to ensure monitoring results that provide an accurate representation of ground water quality at the background and downgradient wells ... shall, at a minimum, include a detailed description of the equipment, procedures, and techniques to be used for the *"Performance of field analysis, including the following: (i) Procedures and forms for recording raw data and the exact location, time, and facility-specific conditions associated with the data acquisition [and] (ii) Calibration of field devices."*

The owner/operator failed to submit field notes including field analyses and equipment calibration records for all wells sampled. The field forms are important to determine whether field methods employed during measurement, purging and

sampling resulted in the collection of samples that were representative of ground water quality at the sampling locations and that field QA/QC procedures were employed.

Field notes obtained during measurement, purging, field analysis and sampling of the wells must be submitted to comply with this rule.

7. **OAC 3745-30-08(C)(2)** states that *“Ground water elevations shall be measured within a single twenty-four-hour period in all monitoring wells at least semi-annually and in each well prior to purging and sampling. The owner or operator shall determine, for the uppermost aquifer system and for all significant zones of saturation monitored, the direction of ground-water flow at least semi-annually. The ground water elevations and direction(s) of flow shall be shown on a potentiometric map(s) submitted with the sampling data.”*

The owner/operator failed to show water level elevations for each well on the potentiometric maps, and failed to obtain water level elevations semiannually during 2007. The table with the water level elevations and the potentiometric map only says September 2007. The owner/operator must collect water samples within a 24 hour period and must provide the date(s) on which the water level information was obtained.

The owner/operator must submit revised potentiometric surface maps that show legibly the water level elevations for each well (and the well numbers). (It is suggested that in addition to the whole facility map, the owner/operator may wish to prepare potentiometric maps solely for Site B in order to minimize the size of the map needed). In the future water level elevations must be measured and potentiometric maps prepared twice per year.

In addition, to the above violations, Ohio EPA has the following comments:

1. The owner/operator has provided insufficient information to determine compliance with OAC Rule 3745-30-08(C)(1)(g) which requires laboratory quality assurance and quality control measures.

In three samples the toluene surrogate recovery exceeded the maximum allowable range of 114%. The toluene surrogate recovery was 120% at 804DR, 116% at 811D and 115% at 811S. There was no lab report explaining these values and indicating whether or not the VOC sample results were valid for these wells.

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To demonstrate compliance with this rule, the owner/operator should submit a discussion of these results from the laboratory along with a statement regarding whether or not the VOC sample results were valid for these wells.

Please respond to this letter 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 the owner/operator of 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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Yogi Chokski
 Reserve Environmental Services
 4633 Middle Road
 P.O. Box 1038
 Ashtabula, Ohio 44004

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