



State of Ohio Environmental Protection Agency

Northeast District Office

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CERTIFIED MAIL

November 19, 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, PRTC**

Dear Mr. Chokshi:

On May 7 and August 14, 2009, I received Reserve Environmental Services, Inc. (RES') responses to Ohio EPA's March 30, 2009 Notice of Violation (NOV) letter.

The following is the status of the previously cited violations:

1. OAC rule 3745-52-11, Waste Evaluation: RES' May 4, 2009 response identified the corrective measures taken to address the deficiencies in the facility's waste evaluation procedures for the primary filter cake. Based on this response, RES has adequately abated this violation.
2. OAC rule 3745-65-31, Operation and Maintenance: RES' May 4 and August 14, 2009 responses identified the corrective measures taken to address this violation. Specifically, the unloading bays at the Site A (New) wastewater treatment unit (WWTU) were resurfaced. Further, the concrete around the Filtrate and Solids Sumps was resurfaced and the walls of the Filtrate Sump were repaired. Based on these responses, RES has adequately abated this violation.
3. OAC rule 3745-65-16(A)(2)(C), Personnel Training: RES' May 4, 2009 response indicated that the training director will receive training. On September 16, 2009, the training director completed training on hazardous waste management procedures. Based on this information, RES has adequately abated this violation.

The following violation remains unabated and must be immediately addressed:

4. OAC rule 3745-66-13(B) and Paragraphs 8 & 25 of Consent Order 93-CV-563:

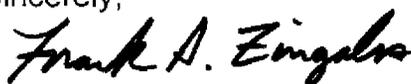
On October 28, 2003, RES and Mr. Donald Koski, entered into a modified consent order with the State of Ohio (Case No. 93-CV-563, Ashtabula County Court of Common Pleas). As detailed in Paragraphs 8 and 25 of the modified consent order, RES was ordered to implement the approved closure plans for Pond 1, Lagoons 3-6 and Pond 7 at Site A (Old) in the manner and time frames set forth therein. RES has failed to implement Pond 1, Lagoons 3-6 and Pond 7 closure activities in accordance with their respective closure schedules. Therefore, RES is in violation of Paragraph 8 and 25 of the modified consent order and OAC rule 3745-66-13(B). RES' May 4, 2009 response included a revised closure schedule for Pond 1. However, RES failed to complete the activities specified in the revised schedule. Additionally, RES indicated that the closure schedule for Lagoons 3-6 and Pond 7 will be coordinated with Corrective Action/closure activities at Sites C/D/E. In general, major portions of the Corrective Action/closure activities at Sites C/D/E were completed, including capping activities. RES did not submit information that the closure schedule for Lagoons 3-6 and Pond 7 was coordinated with Corrective Action/closure activities at Sites C/D/E.

Submit documentation which includes specific actions and dates that are necessary to fulfill closure obligations at Pond 1, Lagoons 3-6 and Pond 7. Due to the nature of this violation, Ohio EPA is considering escalated enforcement action.

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
Daniel Martin, AGO
Christopher Black, USEPA-Region V
Donald R. Koski
ec: Nyall McKenna, DHWM, NEDO
Erm Gomes, DSW, NEDO
Harry Sarvis, DHWM, CO