



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

July 14, 2009

Mr. Kenneth Humphrey
Environmental Director
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

**Subject: January 2009 Compliance Evaluation Inspection – Return to Compliance
ESOI Otter Creek Road Facility
U.S. EPA ID# OHD 045 243 706
Lucas County, NWDO**

Dear Mr. Humphrey:

Thank you for your June 5, 2009, response to Ohio EPA's April 24, 2009, Notice of Violation (NOV) letter. I have reviewed your letter and the attached documentation. The documentation you submitted included a copy of revision 2 of inspection form F-4(p) "APC System Testing and Duct Inspection Form" and training records for inspection form F-4(p). These records indicate that Don Steyer, Aaron Wroblewski and Mark Fondessy have received training on the use of inspection form F-4(p).

Ohio EPA has also received the June 8, 2009, Class 1 Permit Modification Notification [assigned the permit information tracking system (PITS) ID number of OHD045243706-090608-1-2] that Envirosafe Services of Ohio, Inc. (ESOI) submitted to add inspection form F-4(p) to Appendix F.10 of ESOI's Part B Permit Application.

My review of the training documentation and this permit modification reveals that ESOI has abated all violations discovered during the January 20 through January 23, 2009, inspection as listed below:

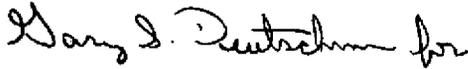
Letter Citation #	Rule Citation
1.	Permit Condition F.4(p) and OAC Rule 3745-205-101(C)(1), Vent and Duct Inspections
2.	Permit Condition A.28(a)(vi) and OAC Rule 3745-54-73(B)(5), Operating Record
3.	Permit Condition B.5(b) and OAC Rule 3745-54-15(D), Inspection Records



Mr. Kenneth Humphrey
July 14, 2009
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If you should have any questions, please feel free to contact me at (419) 698-3130 or via email at chris.maslo@epa.state.oh.us.

Sincerely,



Chris Maslo
Environmental Specialist II
Division of Hazardous Waste Management

/cs

pc: Mayor Marge Brown, City of Oregon
Cindy Lohrbach, DHWM, NWDO
Fran Kovac, Legal, CO
DHWM, NWDO File: Inspections/NOV

ec: John Pasquarette, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
Michael Terpinski, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
Lynn Ackerson, DHWM, NWDO
Chris Maslo, DHWM, NWDO
Shannon Nabors, District Chief
Ed Lim, DHWM, CO
Harry Sarvis, DHWM, CO
Tammy Heffelfinger, DHWM, CO
Mary Setnicar, U.S. EPA, Region V
Jae Lee, U.S. EPA, Region V

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



OHD045243706-129-07/08/2009

Hazardous Waste

NOV

LUCAS

ENVIROSAFE SERVICES OF OHIO INC

07/08/2009



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July 8, 2009

Mr. Kenneth Humphrey, Environmental Director
Envirosafe Services of Ohio, Inc.
876 Otter Creek Road
Oregon, Ohio 43616-1200

**Subject: Notice of Violation & RTC – Containment Building ALR-01-032709 CBS-1
ESOI Otter Creek Road Facility
OHD 045 243 706
RCRA Hazardous Waste
Lucas County**

Dear Mr. Humphrey:

On April 23, 2009, during an inspection of the Stabilization/Containment Building (SCB), I observed the sump cover at Containment Building Sump -1 (CBS-1) had been removed and it appeared that Envirosafe Services of Ohio, Inc. (ESOI) had recently removed liquids from this sump. Following my inspection of the SCB, I questioned you regarding the status of the Indicator Leakage Rate (ILR) exceedance (ILR-01-032509) at CBS-1. During our discussion you indicated that the Action Leakage Rate (ALR) for CBS-1 had been exceeded during the week of March 30, 2009.

On April 30, 2009, following additional discussions between you and Ohio EPA NWDO staff, you agreed to notify USEPA and Ohio EPA of the ALR exceedance and of ESOI's plans to collect and analyze a sample of the CBS-1 secondary liquid as required by Appendix D.22 of the permit application.

After further review of the notification(s) ESOI has provided for the exceedance of the ILR and ALR at CBS-1 beginning on March 26, 2009, Ohio EPA has determined that ESOI is in violation of Permit Condition F.6(b) as described below:

1. **Permit Condition F.6(b)**

Permit Condition F.6(b) states:

"The Permittee must follow the approved Response Action Plan (RAP) containing procedures for the detection, mitigation, notification and reporting of leakage into the leak detection system as found in Appendix D.22 of the permit application."

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When it has been determined that the ALR has been exceeded due to factors external to the actual treatment and storage operations conducted within the SCB (e.g. groundwater infiltration, storm water infiltration, routine washdown activities) Section 6.2 of the RAP located in Section D.22 of ESOI's permit application requires ESOI to notify USEPA and Ohio EPA of the exceedance within forty-eight (48) hours. In addition, within seven (7) calendar days of the determination of the ALR exceedance a sample must be collected and analysis initiated for RCRA metals, volatile organic compounds (VOCs), and semi-volatile compounds (SVOCs).

ESOI's SCB leak detection system records ESOI CBS Primary and Secondary Pumping Inspection Record, 2009 (January – December) indicate that the ALR for CBS-1 was exceeded on March 30, 2009, when one-hundred one (101) gallons were removed.

ESOI failed to notify USEPA and Ohio EPA within forty-eight (48) hours of the determination of the ALR exceedance at CBS-1. ESOI did not make any notification regarding the ALR exceedance until Ohio EPA staff inquired about the status of the ILR response actions on April 23, 2009 (24 days after the ALR for CBS-1 had been exceeded). ESOI's subsequent notification of the ALR excursion at CBS-1 was sent in an e-mail to USEPA and Ohio EPA on April 30, 2009 (31 days after the exceedance).

ESOI also failed to initiate sample collection and analysis for VOCs and SVOCs within seven days of the determination of the ALR exceedance at CBS-1. ESOI's May 13, 2009, correspondence to USEPA and Ohio EPA providing the laboratory test results for the ALR excursion at CBS-1 indicate that the sample for VOCs and SVOCs was collected on May 1, 2009 (32 days after the exceedance).

ESOI has abated this violation with its April 30, 2009, notification of the ALR exceedance at CBS-1 and with its submission of the required laboratory analysis (RCRA metals, VOCs, and SVOCs) in the correspondence Laboratory Analysis ALR-01-032709 dated May 13, 2009. In addition, ESOI has submitted a Class I permit modification request (PITS #090601-1-1) to clarify the language in the RAP as requested by Ohio EPA during the negotiations of the October 9, 2008, proposed Director's Final Findings and Orders. Ohio EPA is currently reviewing this permit modification request.

Mr. Kenneth Humphrey
July 8, 2009
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If you have any questions, please feel free to contact me by calling (419)698-3130 or via email at chris.maslo@epa.state.oh.us.

Sincerely,



Chris Maslo
Environmental Specialist II
Division of Hazardous Waste Management

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pc: Cindy Lohrbach, DHWM, NWDO
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Mary Setnicar, USEPA Region 5

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