

Ground water



State of Ohio Environmental Protection Agency

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October 24, 2007

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

Subject: Preliminary Report of Ground Water Quality – April 2007 Event  
Return to Compliance  
OHD 045 243 706 / 03-48-0092  
RCRA Hazardous Waste / Lucas County

Dear Mr. Humphrey:

Thank you for your September 28, 2007 written response and revised permit modification request submitted in response to Ohio EPA's September 18, 2007 Notice of Violation (NOV) letter. The documentation you submitted included intrawell comparison standards and associated narrative. Ohio EPA's Division of Drinking and Ground Waters (DDAGW) reviewed the document for compliance with ground water monitoring requirements of Ohio Administrative Code (OAC) Chapter 3745-54 and ES01's Permit Number 03-48-0092. The September 28, 2007, permit modification request abates all violations cited as a result of the review of the April 2007 Preliminary Report of Ground Water Quality as listed below.

Letter Citation #	Rule/Permit Condition Citation
1	Permit Condition K.6(e)(iii): Permit Condition K.6(e)(iii) requires the permittee to determine if naturally occurring constituents are elevated by developing comparison standards in accordance with the requirements of Permit Condition K.2(b)(ii).
2	Permit Condition K.2(b)(ii): In the case that ES01 determines in accordance with K.2(b)(ii)(a) that the concentration of a constituent at a well has not been affected by past or current operations at the facility, then Permit Condition K.2(b)(ii)(c) requires the Permittee to develop comparison standards using intrawell comparison standards.
3	Permit Condition K.8 and OAC Rule 3745-54-98(G)(4): Permit Condition K.8 and OAC Rule 3745-54-98(G)(4) require ES01 to submit a permit modification to add elevated constituents to the elevated constituent list in the Integrated Ground Water Monitoring Program (IGWMP) or in accordance with 3745-54-98(G)(6)(b), submit an alternate source demonstration and a permit modification providing comparison standards for the detected constituents.
4	OAC Rule 3745-54-98(G)(6)(b): OAC Rule 3745-54-98(G)(6)(b) requires ES01 to submit, within 90 days of identifying a statistically significant increase, a report to the director which demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis, or evaluation.

### **Request to Rescind Violation**

Envirosafe requested that Ohio EPA rescind violation numbers 3 and 4. Envirosafe was cited for not submitting a permit modification to add Appendix to OAC Rule 3745-54-98 constituents detected during the sampling coordinated with the April 2006 sampling event at monitoring wells R-21, G-6, H-4, M-2D, I-5SA, MR-4D, and SW-3S to the affected well and elevated constituent list by May 30, 2007. In lieu of submitting this modification, Envirosafe had the option to submit a demonstration that the detected constituents are not elevated and submit a permit modification providing comparison standards for the constituents by May 30, 2007. On September 28, 2007, Envirosafe submitted a permit modification request demonstrating that the detected constituents are not elevated and establishing comparison standards for the constituents.

Envirosafe's response states,

Based upon the data presented in the referenced permit modification request, the referenced constituents were found not to be elevated. The outliers are thought to be due to sampling and/or analysis errors and the remaining values are within the range of natural variability. These constituents are not, and have never been, elevated. Therefore, it was not necessary to add any of these constituents to the elevated constituent list in the Integrated Ground Water Monitoring Program (IGWMP). Therefore, in retrospect, ESOI was not in violation of Permit Condition K.8 and OAC Rule 3745-54-98(G)(4) in regard to this issue and this aspect of the NOV should be rescinded.

Envirosafe was required to submit a permit modification adding the referenced constituents to the elevated constituent list by May 30, 2007 unless, in lieu of submitting the permit modification, Envirosafe submitted on or before May 30, 2007, a demonstration that the constituents are not elevated. Envirosafe failed to submit the permit modification or the demonstration by May 30, 2007, in violation of OAC Rule 3745-54-98(G)(4) and Permit Condition K.8. Therefore, Ohio EPA will not rescind violation number 3 as noted above.

Envirosafe's response also states,

Based upon the revised permit modification request, there was no statistically significant increase in concentrations of these naturally occurring constituents. These constituents are not, and have never been, elevated. Therefore, in retrospect, ESOI was not in violation of OAC Rule 3745-54-98(G)(6)(b) and this aspect of the NOV should be rescinded.

OAC Rule 3745-54-98(G)(3) required all detected Appendix to OAC Rule 3745-54-98 (Appendix 98) constituents to be added to the compliance monitoring program unless Envirosafe submitted a demonstration, within 90 days in accordance with OAC Rule 3745-54-98(G)(6)(b), that the statistically significant increase in indicator constituents (sodium and chloride October 2005) were false positives. In accordance with Permit Condition K.6(e)(iii) the due date for this demonstration was extended one year to May 30, 2007, to allow for the collection of additional data for other potentially naturally occurring Appendix 98 constituents detected pursuant to demonstrating that the detected constituents were not elevated supporting the false positive demonstration for already statistically identified increases in sodium and chloride. Envirosafe submitted the demonstration September 28, 2007, after the due date of May 30, 2007, in violation of OAC Rule 3745-54-98(G)(6)(b). Therefore, Ohio EPA will not rescind violation number 4 as noted above.

### General Comments

To determine compliance with Permit Conditions K.4(c)(i) and K.4(h), Ohio EPA requested that EnviroSAFE explain why standard Tentatively Identified Compound (TIC) analyses were not present in the laboratory report. As discussed below, Ohio EPA concurs that that TIC analyses were not required. Therefore, EnviroSAFE met the requirements of Permit Conditions K.4(c)(i) and K.4(h).

EnviroSAFE's response indicates that:

- Compounds identified by TIC analysis are usually found at very low concentrations and are of uncertain identity;
- A TIC would not be used to make decisions, would not influence the risk assessment at a site, and would not be suitable for quantitative analysis;
- It is not standard practice to run TIC analyses for routine monitoring programs;
- TIC analyses are not a required element of the methods of analysis for volatile or semi-volatile organics, SW-846 methods 8260B and 8270C; and
- TIC analyses are not required by the Ohio Administrative Code, which only requires that laboratory analyses be performed in accordance with the most current acceptable SW-846 or U.S. EPA methodologies.

TIC analyses are a part of SW-846 methods 8260B and 8270C. Please see section 7.6.2 and 7.7.3 in both method descriptions<sup>1</sup>. The method description states, "The necessity to perform this type of identification will be determined by the purpose of the analyses being conducted." Ohio EPA consulted U.S. EPA Region III guidance<sup>2</sup> to clarify when TIC analyses should be performed. This guidance indicates that TIC analyses should be conducted if a site is uncharacterized and there is a reasonable probability of contamination with unconventional pollutants. The EnviroSAFE site has been adequately characterized for the purpose of the IGWMP. Discussion of waste characterization and ground water monitoring parameter selection can be found in section E.7 and E.8 of the permit application. A full scan of priority pollutants is not necessary in detection monitoring where the focus is on monitoring indicator parameters. Where monitoring has identified releases at EnviroSAFE, the releases are being investigated through the RCRA Facility Investigation (RFI) process. TIC analyses were conducted during the Northern Sanitary Landfill RFI. Ohio EPA concurs that TIC analyses are not required during semiannual monitoring events.

Ohio EPA is amenable to removing the TIC analysis data validation procedure referenced in Ohio EPA's September 18, 2007 letter. Since the modification would not be changing or adding a procedure but merely removing a procedure that is not used, it would constitute a class 1 modification, administrative and informational changes, in accordance with paragraph B1 of the Appendix to OAC Rule 3745-50-51.

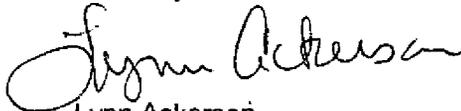
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1 <http://www.epa.gov/epaoswer/hazwaste/test/pdfs/8260b.pdf> and  
<http://www.epa.gov/epaoswer/hazwaste/test/pdfs/8270c.pdf>  
2 [http://www.epa.gov/Region3/esc/QA/TICs\\_rev2.3\\_faq.pdf](http://www.epa.gov/Region3/esc/QA/TICs_rev2.3_faq.pdf)

Mr. Kenneth Humphrey  
October 24, 2007  
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If you have any questions, please contact me at (419)373-4113. Any written correspondence should be sent to my attention at Ohio EPA, Northwest District Office, Division of Hazardous Waste Management, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,



Lynn Ackerson  
Environmental Specialist  
Division of Hazardous Waste Management

/cs

pc: Oregon Document Depository  
Cindy Lohrbach, DHWM, NWDO  
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ec: Lynn Ackerson, DHWM, NWDO  
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Gary Deutschman, DHWM, NWDO  
Michael Terpinski, DHWM, NWDO  
Chris Maslo, DHWM, NWDO  
Jeremy Carroll, DHWM, CO  
Sue Richards, ESOL

<p>NOTICE: 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.</p>
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