

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

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

January 4, 2007

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

**Re: Notice of Violation for the Supplement to the Alternate Source Demonstration for the October 2005 Sampling Event, ESOI Otter Creek Road Facility
OHD 045 243 706 / 03-48-0092
RCRA Hazardous Waste / Lucas County**

Dear Mr. Humphrey:

On September 18, 2006 and October 4, 2006, respectively, Ohio EPA received the following documents:

- *Supplement to the May 30, 2006 Alternate Source Demonstration for Monitoring Wells R-06, R-20, R-21, G-06, H-04D, M-01D, M-02D, I-05SA, MR-04D and SW-02S, October 2005 Sampling Event*), dated September 15, 2006.
- *Alternate Source Demonstration for Monitoring Well R-06 (Cyanide) [April 2006 Sampling Event]*, dated October 2, 2006.

ESOI's submittals were reviewed for compliance with ground water monitoring requirements of Ohio Administrative Code (OAC Chapters 3745-54 and 55 and ESOI's Ohio Hazardous Waste Facility Installation and Operation Permit Number 03-48-0092. Below are Ohio EPA's findings from this review:

1. **OAC Rule 3745-54-98(G)(4):** ESOI is in violation of OAC Rule 3745-54-98(G)(4) requiring ESOI to submit a permit modification request, within ninety days of determining that there is statistically significant evidence of contamination, to establish a compliance monitoring program for hazardous constituents. ESOI's February 28, 2006 Final Report of Groundwater Quality reported elevated levels of barium in monitoring well SW-2S. As a result of the statistically significant increase in barium, ESOI conducted Appendix 98 sampling at monitoring well SW-2S and detected tetrachloroethene. The due date for the compliance monitoring permit modification request to add barium and tetrachloroethene to the elevated constituent list for monitoring well SW-2S was May 30, 2006 (May 29th was a holiday, 90 days from February 28, 2006).

ESOI submitted a permit modification request dated September 15, 2006 (approved November 10, 2006) to add barium to the elevated constituent list at monitoring well SW-2S. Ohio EPA has not received a Permit Modification Request to add tetrachloroethene to the elevated constituent list for monitoring well SW-2S, in violation of OAC Rule 3745-54-98(G)(4).

ESOI submitted an incomplete Alternate Source Demonstration dated May 30, 2006 and additional Alternate Source Demonstration information dated September 15, 2006 and October 2, 2006, which are the subject of this review. The Alternate Source Demonstrations do not discuss tetrachloroethene at monitoring well SW-2S.

Section IV of the September 15, 2006, Supplemental Alternate Source Demonstration states:

"Appendix 98 sampling was conducted at SW-02S due to the confirmed detection of dissolved Barium above its prediction limit. Dissolved Barium was also detected above its prediction limit at this well during Appendix 98 sampling and dissolved Barium was therefore added to the affected well list."

Tetrachloroethene was also detected during the Appendix 98 sampling conducted in April 2006 at monitoring well SW-02S. In accordance with Permit Condition K.6(e)(iii), all non-naturally occurring constituents reported to be present during the Appendix 98 sampling in accordance with Permit Condition K.6(e)(i) and (ii) must be considered elevated. ESOI did not conduct resampling to confirm the detection of tetrachloroethene. Therefore, in accordance with OAC Rule 3745-54-99(G) and Permit Condition K.6(e)(ii) and (iii), tetrachloroethene is considered present and elevated. To return to compliance with OAC Rule 3745-54-98(G)94 ESOI must submit a Permit Modification Request to add tetrachloroethene to the elevated constituent list for monitoring well SW-2S.

Comments

2. Section III of the September 15, 2006 Supplemental Alternate Source Demonstration states that monitoring well MR-04D was added to the affected well list for dissolved barium via a Class 1A permit modification request initially submitted August 14, 2006, revised and re-submitted on September 15, 2006. The supplement does not discuss the other metals detected at MR-04D (beryllium, selenium, thallium, tin and zinc). Permit Condition K.6(e)(iii) requires ESOI to determine if these inorganic constituents are elevated by developing comparison standards in accordance with the requirements of Permit Condition K.2(b)(ii).

It is Ohio EPA's understanding, based on a telephone conversation with ESOI (Sue Richards and Mike Beal) on December 13, 2006, that ESOI is also collecting background data at monitoring well MR-04D for Appendix 98 metals and developing comparison standards in accordance with Permit Condition K.2(b)(ii). The Permit Modification Request for compliance monitoring in accordance with OAC Rule 3745-54-98(G) was due May 30, 2006. However, Permit Condition K.2(b)(ii)(c) gives ESOI one year to collect the necessary background data to develop comparison standards. ESOI must submit a Permit Modification Request establishing comparison standards for the Appendix 98 metals no later than May 30, 2007.

Mr. Kenneth Humphrey
January 4, 2007
Page Three

3. The October 2, 2006 Alternate Source Demonstration for monitoring well R-06 references that the demonstration was submitted as a result of the April 2006 sampling event. It should be noted that sodium analysis results for the October 2005 sampling event triggered sampling for Appendix 98 constituents in accordance with OAC Rule 3745-54-98(G). This sampling was coordinated with the April 2006 sampling event.
4. Ohio EPA has no additional comments on ESOI's September 15, 2006 and October 2, 2006 Alternate Source Demonstrations. Table 1 (enclosed) summarizes the actions ESOI took to address the statistically significant increases identified as a result of the October 2005 Sampling Event.

Please submit the permit modification requests described above no later than May 30, 2007. If you have any questions or would like to schedule a meeting to discuss this letter, please contact me at (419)373-4113. Any written correspondence should be sent to me at Ohio EPA, Northwest District Office, Division of Hazardous Waste Management, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,



Lynn Ackerson
Division of Hazardous Waste Management

/cs

Enclosure

pc: Oregon Document Depository – Site Monitoring
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO File – ESOI Ground Water File~~

ec: Lynn Ackerson, DHWM, NWDO
Mike Beal, DDAGW, NWDO
Colleen Weaver, DHWM, NWDO
John Pasquarette, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
Michael Terpinski, DHWM, NWDO
Jeremy Carroll, DHWM, CO
Harriet Croke, U.S. EPA, Region V

<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>
--

Table 1. October 2005 Sampling Event Exceedence

Well	October, 2005 Confirmed Exceedence	Appendix 98 Constituents Detected Above Background	Actions Taken
R-6	Sodium	Cyanide	1. Alternate Source Demonstration (ASD)* for sodium and cyanide.
R-20	Sodium	None	1. ASD for sodium.
R-21	Sodium	Arsenic	1. ASD for sodium. 2. Background to be determined for Appendix 98 metals.
G-6	Sodium	Nickel	1. ASD for sodium. 2. Background to be determined for Appendix 98 metals.
H-4D	Chloride	Arsenic, Cobalt, Copper, Nickel, Vanadium	1. ASD for chloride. 2. Background to be determined for Appendix 98 metals.
M-1D	Chloride	Zinc	1. ASD for chloride and zinc.
M-2D	Fluoride	Zinc	1. ASD for fluoride and zinc. 2. Background to be determined for Appendix 98 metals.
M-10D	Fluoride	None	1. ASD for fluoride.
I-5SA	Fluoride	Copper, Zinc	1. ASD for fluoride. 2. Background to be determined for Appendix 98 metals.
MR-4D	Barium (dis.)	Barium (dis.), Arsenic, Cobalt, Copper, Nickel, Vanadium, Zinc	1. September 15, 2006, Class 1A Permit Modification Request to add MR-4D to the Affected Well list with barium as an elevated constituent (approved on November 10, 2006). 2. Background to be determined for Appendix 98 metals.
MR-4S	Nested with MR-4S	Arsenic, Beryllium, Copper, Nickel, Vanadium, Zinc	1. September 15, 2006, Class 1A Permit Modification Request to add MR-4D to the Affected Well list with nickel as an elevated constituent (approved on November 10, 2006). 2. ASD for arsenic, beryllium, copper, vanadium, and zinc.
G-8	Adjacent to MR-4D	Zinc	1. ASD for zinc.
SW-1S	Adjacent to SW-2S	Methylene chloride	1. ASD for methylene chloride.
SW-2D	Nested with SW-2S	Barium (dis.), Zinc	1. September 15, 2006, Class 1A Permit Modification Request to add SW-2D to the Affected Well list with barium as an elevated constituent (approved on November 10, 2006). 2. ASD for zinc.
SW-2S	Barium (dis.)	Bis(2-Ethylhexyl)phthalate, Tetrachloroethene, Zinc	1. September 15, 2006, Class 1A Permit Modification Request to add barium to elevated constituent list for affected well SW-2S (approved on November 10, 2006). 2. ASD for bis(2-ethylhexyl)phthalate and zinc. 3. Violation for not taking action to add tetrachloroethene to the elevated constituent list.
SW-3S	Adjacent to SW-2S	Nickel, Trichloroethene, Zinc	1. ASD for zinc and trichloroethene. 2. Background to be determined for Appendix 98 metals.

*Alternate Source demonstrations dated May 30, 2006, September 15, 2006, and October 2, 2006