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John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

November 8, 2012

CERTIFIED MAIL

Ms. Maria Cruset
Director of Environmental Compliance
Clean Water Limited
300 Cherokee Drive
Dayton, OH 45417

**RE: Clean Water Limited (CWL) OHD004274031, Ohio Permit # 05-57-0555
Notice of Violation**

Dear Ms. Cruset:

On August 29, 2012, I received an email from you providing me with an update on Clean Water Limited's (CWL) progress toward providing a RCRA Facility Investigation (RFI) Work Plan and permit modification. You stated in the email that you would be getting information shortly to share with your management about a quote from your consultant, EHS Technology Group (EHS), to prepare the work plan and a project timeline. Over 60 days have passed and we still have not received the necessary information. Ohio EPA is committed to working with CWL to complete the required corrective action investigation, but project deadlines continue to come and go. This letter is to notify you that CWL is in violation of your August 14, 2008, Ohio Hazardous Waste Facility Installation and Operation Permit condition E.5(c) as well as Ohio Administrative Code Rule (OAC) Rule 3745-54-101 and Ohio Revised Code (ORC) 3734.12. by failing to prepare a final RFI report by the date specified in your permit.

PC E.5LA
54-101

RFI Work Plan/Final Report

The RFI report submitted in 2000 by Arcadis on behalf of Perma-Fix (now CWL) to U.S. EPA had not been approved and finalized. The permit renewal issued by Ohio EPA on August 14, 2008, established a transition point in which Ohio EPA would assume corrective action oversight responsibilities. Included in this permit was a condition that the final RFI report be submitted to Ohio EPA within 60 days of permit issuance. To date, CWL has not submitted a final RFI report.

Since a considerable amount of time has passed since the 2000 RFI report was submitted to U.S. EPA, both Ohio EPA and CWL agreed that an update on site conditions was warranted. In a December 10, 2010 letter to Ohio EPA, CWL stated that

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"The target time frame for completing the RFI update and issuing a final report is at the end of the first quarter of 2011." Ohio EPA received a draft RCRA Facility Investigation Update report on May 5, 2011.

Ohio EPA provided comments in a September 8, 2011 letter on the draft RCRA Facility Investigation Update (Giles report) stating that the RFI was not yet complete and a phase II work plan was needed. On November 29, 2011, we held a meeting to discuss the ongoing RFI and reiterated that additional work was needed to complete the RFI.

A February 6, 2012 letter from CWL committed to preparing a timeline on the additional steps CWL will take to complete the project. To date, Ohio EPA has not received this timeline.

On March 21, 2012, CWL sent an email asking Ohio EPA to review and comment on files that were attached to the email. Ohio EPA responded in an April 5, 2012 letter, requesting that the timeline promised in CWL's February 6, 2012 letter be submitted within thirty days of receipt of the letter. We also informed CWL that it was not in compliance with permit condition E.5(c).

On May 4, 2012, CWL requested an extension to June 4, 2012. An extension was granted in our May 31, 2012 letter. Another extension request to move the deadline to June 8, 2012 was granted on June 4, 2012 via email.

On June 8, 2012, EHS submitted a document titled "RCRA Facility Investigation" which was another RFI update which again indicated that additional work was needed. The requested work plan and timeline were not included with this document.

Permit Modification

In a December 10, 2010 letter to Ohio EPA, CWL stated that the company intended to update the RFI to include the identification of new units. Ohio EPA received the draft RFI report update on May 5, 2011. The update was prepared to comply with section E.3 of the permit which references Section J of the Part B permit application. OAC 3745-50-44(D) details what information needs to be included for each unit. OAC Rule 3745-50-51 requires that the facility submit a permit modification request within seven days of making the change.

Ohio EPA wants to ensure that it has a comprehensive listing and description of all of the units at the CWL facility for the purpose of finalizing the RFI. In the July 25, 2012 meeting, we discussed the federal permit and the units described in that document. We also discussed the newly added units described in the December 10, 2010 correspondence from CWL and the units described in the Giles report. The goal is to reconcile each list to include all the units (past and present) with a description and status of the units.

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In order to complete the required RFI and return to compliance, a work plan is needed which details the additional investigatory work to be completed along with a schedule detailing the timeframes for completion of remaining work necessary to finalize the RFI. Also, the permit needs to be modified to update Section J. **Due to the repeated delays in submitting the required documents; Ohio EPA requests this information be submitted within thirty days of receipt of this letter.** Please contact me at (937) 285-6083 or via email at brian.marlatt@epa.state.oh.us if you have questions.

Sincerely,



Brian Marlatt
Site Coordinator
Division of Environmental Response and Revitalization

BM/tf

cc: Larry Dickerson, SWDO/DMWM
Ed Lim, DERR/CO
Brad Hauser, RADMU/DMWM
Robyn Winstead, DERR/SWDO

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Director of Environmental Compliance
Clean Water Limited
300 Cherokee Drive
Dayton, OH 45417

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