



State of Ohio Environmental Protection Agency

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September 6, 2007

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

**Subject: May 9, 2006, NOV
Partial Return to Compliance
ESOI Otter Creek Road Facility
OHD 045 243 706 / 03-48-0092
RCRA Hazardous Waste / Lucas County**

Dear Mr. Humphrey:

On May 9, 2006, Ohio EPA issued a notice of violation (NOV) letter to Envirosafe Services of Ohio, Inc. (ESOI). The NOV letter stated that ESOI was in violation of Permit Condition A.27(c) because the permit application ESOI submitted to Ohio EPA on March 29, 2006, was incomplete and did not contain the information required by Permit Conditions B.27, K.9, J.2 and G.2.

On July 10, 2006, Ohio EPA received a clean copy of ESOI's permit application which was submitted as a Class 1A (Class 1 requiring prior approval) hazardous waste permit modification. Ohio EPA approved this modification on March 29, 2007. The March 29, 2007, approval letter noted that ESOI remained partially out of compliance with Permit Condition A.27(c) because the permit application did not include all of the updated information required by Permit Conditions B.27, K.9, J.2 and G.2. This approval letter indicated that the Ohio EPA would review ESOI's compliance with Permit Conditions B.27, K.9, J.2 and G.2 in a separate letter.

On June 6, 2007, Ohio EPA issued a second notice of violation (NOV) letter to ESOI. This NOV letter stated that ESOI was in violation of Permit Condition A.27(c) for failing to address Permit Condition K.9 and comments 17 and 19 in Attachment A of ESOI's December 29, 2005 Ohio Hazardous Waste Facility Installation and Operation Permit Renewal (permit).

This letter serves to address ESOI's compliance with Permit Condition A.27(c) as originally cited in the May 9, 2006 NOV letter and Permit Conditions B.27, G.2, J.2 and K.9.

Permit Condition A.27(c)

This condition required ESOI to submit within ninety (90) days after permit journalization, a new, complete clean version of the permit application which includes the information required by Permit Conditions B.27, G.2, K.9 and J.2.

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As stated in the May 9, 2006 NOV, ESOI failed to submit a new, complete clean version of the permit application within ninety (90) days of permit journalization which includes the information required by Permit Conditions B.27, G.2, K.9 and J.2.

Ohio EPA received a new, clean version of the permit application on July 10, 2006 (PITS #060710-1A-1). The new, clean version of the permit application was approved on March 29, 2007. However, the new, clean version of the permit application failed to address comments 17 and 19 in Attachment A of ESOI's permit. As of the date of this letter, ESOI has not submitted the information required by comments 17 and 19 of Attachment A. Therefore, ESOI remains in violation of Permit Condition A.27(c).

Permit Condition B.27

This condition required ESOI to submit within ninety (90) days after permit journalization, an updated Section I of the permit application which addresses all the comments outlined in Attachment B of the permit, including the "Comments Related to Drawings" section.

The clean copy of the permit application received on July 10, 2006 (PITS #060710-1A-1) and approved on March 29, 2007 included the information outlined in Attachment B of the permit.

Permit Condition G.2

This condition required ESOI to submit within 90 days of permit issuance, a Class 1 permit modification in accordance with OAC Rule 3745-50-51, a listing of the various analytical methods utilized to evaluate the constituents listed in Table G-1 of the permit.

On March 27, 2006, Ohio EPA received a Class 1 permit modification (PITS #060327-1-1) to update the analytical methods utilized to evaluate the constituents listed in Table G-1. Ohio EPA acknowledged this permit modification on May 3, 2006.

The clean copy of the permit application received on July 10, 2006, (PITS #060710-1A-1) and approved on March 29, 2007, included this updated table.

Permit Condition J.2

Permit Condition J.2(r) required ESOI to submit within thirty (30) days of the effective date of the permit and prior to beginning construction activities related to the vertical expansion modification the following information:

- revised plan drawings, cross sections and related details in accordance with the compound slope specifications as outlined in ESOI's February 10, 2005, revised slope stability calculations.

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- revised application pages for all other sections of the vertical expansion modification (received by Ohio EPA on January 22, 2004) that are affected by the February 10, 2005, submission (e.g., settlement calculations, surface drainage, etc.).

The information required by this condition was required to be submitted as a Class 1 permit modification requiring director's approval (Class 1A) in accordance with OAC Rule 3745-50-51.

Ohio EPA received ESOI's Class 3 permit modification (PITS #040122-3B-1) for a vertical expansion on January 22, 2004. The vertical expansion was approved on September 15, 2005. Ohio EPA received a class 1A permit modification (PITS #050809-1A-1) to incorporate revised drawings for the vertical expansion of Cell M into the permit application on August 9, 2005. The drawings were approved on September 15, 2005.

Permit Condition J.2(s)(iv) required ESOI to submit within ninety (90) days of permit issuance, a Class 1 permit modification, in accordance with OAC Rule 3745-50-51, to revise applicable portions of the application to be consistent with the requirements outlined in this condition.

Ohio EPA received a Class 1 permit modification (PITS #051004-1-1) to incorporate revised slope stability calculations into the permit application on October 4, 2005. The slope stability calculations were acknowledged on December 16, 2005. Ohio EPA also received a Class 1 permit modification (PITS #0511160101) to revise the Cell M operational plan on November 16, 2005. The operational plan was acknowledged on December 2, 2005.

The clean copy of the permit application received on July 10, 2006 (PITS #060710-1A-1) and approved on March 29, 2007 included this updated vertical expansion information.

Permit Condition K.9

This condition required ESOI to submit, within ninety (90) days after permit journalization, an updated Section E which addresses all of the comments outlined in Attachment A of the permit.

On June 6, 2007, Ohio EPA issued a NOV letter to ESOI which stated that ESOI was in violation of Permit Conditions A.27(c) and K.9 for failing to address comments 17 and 19 in Attachment A of ESOI's permit. As of the date of this letter, ESOI has not submitted the information required by comments 17 and 19 of Attachment A. Therefore, ESOI remains in violation of Permit Condition K.9.

Conclusions

As of the date of this letter, ESOI is in compliance with Permit Conditions B.27, G.2, J.2(r) and J.2(s)(iv). ESOI may want to review these permit conditions to determine if a modification of the permit conditions is warranted.

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ESOI remains in violation of Permit Conditions A.27(c) and K.9. ESOI will remain in violation of Permit Conditions A.27(c) and K.9 until ESOI addresses comments 17 and 19 of Attachment A.

If you have any questions regarding this letter, please contact me at (419)373-3056.

Sincerely,



Gary S. Deutschman
Division of Hazardous Waste Management

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<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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