

D-07-051-I



State of Ohio Environmental Protection Agency

Northwest District Office

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Bowling Green, OH 43402-9398

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

Re: ESOI Otter Creek Road Facility
OHD 045 243 706
Lucas County, NWDO
Status of 4/20/07 Cell M
Leachate NOV

July 6, 2007

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

Dear Mr. Humphrey:

I received your response to my April 20, 2007, Notice of Violation (NOV) letter on May 3, 2007. The April 20, 2007, Notice of Violation notified Envirosafe Services of Ohio, Inc. (ESOI) of the facility's violation of Permit Condition J.3(a) and OAC Rule 3745-57-03(A)(2) and outlined five items that ESOI must address to Ohio EPA's satisfaction in order to return to compliance. The five return to compliance criteria appear below.

1. ESOI must provide copies of letters from the leachate disposal vendors and transporter(s), listed below, outlining the capacity commitments made to ESOI.
 - EQ Detroit, Inc.
 - Vickery Environmental, Inc.
 - Clean Harbors Service, Inc.
 - Environmental Disposal Systems, Inc.
 - BCA Express Co Ltd.

2. ESOI must submit a Class 1 permit modification for form MF-18(b) "F039 Leachate Storage Tank Inventory Control Log - Daily" to add an entry for the time of day that the "Ending Day Volume(s)" are entered for the S-Tanks and to identify which S-Tank is being filled at the end of each day.

3. ESOI must manage the leachate levels in the S-Tanks to ensure that ESOI has at least 45,000 gallons of available storage capacity in the S-Tanks, in order to manage excess leachate accumulation on the primary synthetic liner following a precipitation event.

The documentation you submitted in your response included copies of capacity commitment letters from your leachate disposal vendors and a redline-strikeout version of a revised form MF-18b "F039 & D002 Leachate Storage Tank Inventory Control Log".

My review of your response to the five return to compliance criteria outlined in my April 20, 2007, NOV reveals that ESOI has responded adequately to the criteria detailed in items #1 and #3. ESOI has failed to submit the following documentation/information as requested items #2, #4, and #5 of Ohio EPA's April 20, 2007 NOV letter:

Return to compliance item #2 –

ESOI has provided a redline-strikeout version of a revised form MF-18b "F039 & D002 Leachate Storage Tank Inventory Control Log" that includes an entry for the time of day that the "Ending Day Volume(s)" are taken.

This revision does not include the requested entry to indicate which S-Tank is open/being filled at the end of each day. ESOI must modify form MF-18b to include this information.

Return to compliance item #4 –

ESOI must review and provide documentation that the automatic pump settings in the primary liner sumps comply with the requirements of Permit Condition J.3(a); specifically, to identify if the pumps are set to activate whenever leachate levels on the liner exceed 10 inches.

Based upon a review of the on-site inspectors transducer readings, data submitted by ESOI on the monthly Cell M Leachate Reports, and the pump specifications, ESOI must provide this documentation in order to confirm that the Primary Leachate Collection System (PLCS) is being maintained and operated in compliance with Permit Condition J.3(a).

Return to compliance item #5 –

ESOI must provide (or develop one if none currently exists) the daily form used to record sub-cell leachate levels taken at the end of each work day. This form must include an entry for each sub-cell that asks the respondent to confirm/deny (Y/N) if the leachate level exceeds the levels (i.e. 10" and 12") outlined in J.3(a) and the time of day that the reading is taken at each sub-cell.

Therefore, ESOI remains in violation of the following Permit Condition and Ohio's hazardous waste laws:

1. Permit Condition J.3(a) and OAC Rule 3745-57-03(A)(2)

Permit Condition J.3 (a) states that, "The Permittee must monitor, operate, and maintain the primary leachate collection system (PLCS) and secondary leachate collection system (SLCS), as applicable, of Cell M.

The level of leachate accumulation on the primary synthetic liner, excluding the sumps, must not exceed the height of one foot, as required by OAC Rule 3745-57-03(A)(2), except for temporary excursions following a precipitation event.

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July 5, 2007
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To minimize the potential for excursions, the Permittee must activate primary system pumps whenever the leachate levels on the liner exceed 10 inches.

The Permittee must return to a leachate level of less than 10 inches in Cell M after the precipitation event that triggered the temporary excursion by operating the pumps in the affected landfill collection sumps 24 hours per day, 7 days per week."

Please submit the requested documentation/information demonstrating abatement of the above outstanding violation to this office **within 14 days** of your receipt of this letter.

If you have any questions, please contact me at (419)373-3135 or via e-mail at chris.maslo@epa.state.oh.us.

Sincerely,


Chris Maslo
Environmental Specialist II
Division of Hazardous Waste Management

/lir

Enclosure

pc: Oregon Document Depository
DHWM, NWDO File – ESOI General File
Mayor Marge Brown, City of Oregon
Paul Little, U.S. EPA, Region V
Cindy Lohrbach, DHWM, NWDO
ec: Jeremy Carroll, DHWM, CO
Michael Terpinski, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
Chris Maslo, DHWM, NWDO

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.