



State of Ohio Environmental Protection Agency

**Northwest District Office**

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June 6, 2007

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

**Subject: Notice of Violation  
ESOI Otter Creek Road Facility  
OHD 045 243 706 / 03-48-0092  
RCRA Hazardous Waste / Lucas County**

Dear Mr. Humphrey:

On July 3, 2006, Ohio EPA received from Envirosafe Services of Ohio, Inc. (ESOI) a copy of ESOI's Ohio Hazardous Waste Facility Installation and Operation Permit Number 03-48-0092. This submittal was required by Permit Condition A.27(c) of ESOI's permit renewal. On March 29, 2007, Ohio EPA approved ESOI's July 3, 2006 submittal. However, after further review of the July 3, 2006 permit application, Ohio EPA has determined that ESOI is in violation of Permit Conditions A.27(c) and K.9 as described below:

**Permit Condition A.27(c)** states, "The Permittee must submit to Ohio EPA within ninety (90) days after permit journalization, a new, complete version of the permit application which removes all existing stricken language and converts any specialized font (e.g., redline, all caps, etc.) text into standard font (unless otherwise noted in this permit). This "clean" version of the permit application should also include a complete and updated table of contents and ensure all tables, sections and associated references/citations are accurate. In addition, *this updated permit application must incorporate information required by Permit Conditions B.27, K.9, J.2 and G.2 [emphasis added]*. This permit application must be submitted as a Class 1A permit modification pursuant to OAC Rule 3745-50-51. Any changes to the permit application submitted with this updated version that are inconsistent with or not authorized by this final renewal permit must be clearly identified and follow the appropriate process outlined in OAC Rule 3745-50-51."

**Permit Condition K.9** states, "The Permittee must submit to Ohio EPA within ninety (90) days after permit journalization an updated Section E of the permit application which addresses all the comments outlined in Attachment A of the permit."

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ESOI's permit was journalized on December 29, 2005. Therefore, ESOI was required to address all the comments outlined in Attachment A by March 29, 2006. On March 29, 2006 ESOI submitted sections of the permit to comply with Permit Condition A.27(c). Ohio EPA stated in a Notice of Violation letter dated May 9, 2006 that the facility would remain out of compliance with Permit Condition A.27(c) until a copy of the permit application meeting all of the specified requirements is submitted.

On July 10, 2006, Ohio EPA received a clean copy of the permit application submitted in accordance with Permit Condition A.27(c). This permit application was approved by Ohio EPA on March 29, 2007. However, the approved permit application failed to address Attachment A. Ohio EPA informally sent comments on Section E of ESOI's permit application to ESOI in an electronic correspondence dated June 7, 2006. In the correspondence, Ohio EPA requested that ESOI submit a schedule for addressing the comments in the event that ESOI would be unable to meet all of the requirements of A.27(c) in the second submittal of the permit application. Subsequently Ohio EPA met with ESOI to discuss the necessary revisions to comply with Permit Condition K.9 and address minor problems (such as typos and duplicate text) in Section E, on September 12, 2006 and September 15, 2006.

In an electronic correspondence dated September 12, 2006 (Lynn Ackerson to Steve DeLussa) Ohio EPA agreed that ESOI could submit cross sections to comply with comment number 19 below at the completion of the RCRA Facility Investigation (RFI). To assist ESOI in completing the cross sections, Ohio EPA sent ESOI an example of the cross sections that need to be completed. Regardless, ESOI failed to comment on the timeframe required by Permit Condition K.9 during the public comment period, comply with the deadline, or request a permit modification to change the deadline.

To abate the violation of Permit Conditions A.27(c) and K.9, ESOI must address the following comment which is numbered in accordance with Attachment A of ESOI's December 29, 2005 Ohio Hazardous Waste Facility Installation and Operation Permit Renewal:

19. ESOI must add cross sections to show the geologic stratigraphy along the whole line of compliance. In addition, ESOI must include cross sections across each waste unit showing the position of waste placement relative to the geologic strata.

To return to compliance, ESOI must modify its permit as described above. Ohio EPA concurs with ESOI's request to submit the cross sections discussed above and further described in Ohio EPA correspondence dated September 12, 2006, with ESOI's final RFI Report.

#### **Notice of Deficiency**

Ohio EPA is notifying ESOI of a deficiency in addressing permit condition K.9 (Attachment A). ESOI must submit the information requested below in order to address the following deficiency:

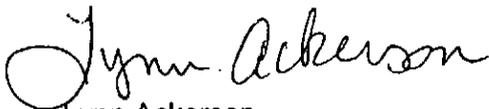
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17. ESOI must include in the permit application a table listing all borings/wells identifying whether the borings/wells are active or abandoned and referencing the location of drilling logs, well construction logs, abandonment reports, and a map or coordinates of their location.

In an April 2007 call between Ken Humphrey, ESOI, and Lynn Ackerson, Ohio EPA, ESOI stated that a draft of the information discussed above could be completed in 10 weeks. According to ESOI, much of the information is already available in ESOI's Permit Application. To address this deficiency, ESOI must submit a final version of the requested information no later than October 1, 2007. Ohio EPA recommends that ESOI meet with Ohio EPA to discuss the draft document no later than August 31, 2007. Discussing the draft document will ensure that ESOI's submittal will meet Ohio EPA's expectations. Compliance with this Permit Condition will be further evaluated upon Ohio EPA review of the final document.

As of the date of this letter, ESOI's compliance with Permit Conditions B.27 and J.2 has not been determined. If you have any questions, please contact me at (419)373-4113.

Sincerely,



Lynn Ackerson  
Division of Hazardous Waste Management

/cs

pc: Oregon Document Depository  
DHWM, NWDO Ohio Permit File  
Tammy McConnell, DHWM, CO  
~~Cindy Lehnbach, DHWM, NWDO~~  
Mayor Marge Brown, City of Oregon

ec: Lynn Ackerson, DHWM, NWDO  
Mike Beal, DDAGW, NWDO  
John Pasquarette, DHWM, NWDO  
Gary Deutschman, DHWM, NWDO  
Michael Terpinski, DHWM, NWDO  
Chris Maslo, DHWM, NWDO  
Shannon Nabors, Chief, NWDO  
Jeremy Carroll, DHWM, CO  
Paul Little, U.S. EPA, Region 5

**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.