

Inspection



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
RCRA Hazardous Waste
Lucas County
Notice of Violation

April 20, 2007

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

Dear Mr. Humphrey

On March 6 and 9, 2007, as part of routine daily inspections and subsequent to an Area of Concern (AOC) noted during the December 2006 Compliance Evaluation Inspection (CEI), I reviewed the Cell M Leachate Reports for November and December of 2006, and January of 2007, along with the corresponding F039 Leachate Storage Tank Inventory Logs (Form MF-18(b)) completed by Envirosafe Services of Ohio, Inc. (ESOI) located at 876 Otter Creek Road, Oregon, Ohio. I reviewed these documents to determine ESOI's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC), ESOI's approved December 29, 2005, Ohio Hazardous Waste Facility Installation and Operation Permit (permit) and the April 24, 2000, Director's Consent Order and Final Judgment.

On March 9, 2007, you were verbally notified of the following violations of the facility's hazardous waste permit and/or Ohio's hazardous waste laws that were found during this document review:

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. 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."

ESOI failed to operate the pumps in the affected sumps in sub-cells M3, M4 and M5 as outlined in Permit Condition J.3(a) for extended periods of time between November 1, 2006, and January 31, 2007. During this time period, leachate levels in the affected sumps reached as high as 7½ feet (greater than 5 feet of head on the primary liner), and frequently averaged between 1 and 3 feet of head on the primary liner for periods as long as 3 to 6 weeks.

During a March 30, 2007, conference call between Ohio EPA and ESOI, ESOI explained that rainfall levels in December and January, the subsequent precipitation pond on Cell M, and capacity problems at ESOI's leachate vendors were contributing factors in the accumulation of high levels of leachate on the primary liner of Cell M during those two months. ESOI also indicated that they are investigating the feasibility of building a package treatment plant on site to manage the leachate generated at the facility.

ESOI committed to provide copies of capacity commitment letters from its leachate disposal vendors and transporter(s), to evaluate the need for additional temporary storage capacity during precipitation events, to improve the management and documentation of its permitted on-site leachate storage capacity in tanks S-100, S-200, S-300 and S-400 (S-Tanks), and to keep Ohio EPA updated on the development of ESOI's plans to install a package treatment plant. When the following documentation/information is received, this violation will be considered abated:

- a. 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.
- b. 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.
- c. 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.
- d. ESOI must review and provide documentation that the automatic pump settings in 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.
- e. 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.

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In addition to the above violation, the following areas of concern were also noted during the inspection:

1. Permit Condition J.7(d) states in part, "The Permittee must report to Ohio EPA on a monthly basis" information related to the primary and secondary leachate collection and removal systems of Cell M. ESOI did not submit the January 2007 Cell M Leachate Report until March 7, 2007 - five weeks after the end of the reporting month.

ESOI should complete and submit this report at the earliest possible date during the calendar month immediately following the reporting month.

2. Permit Condition G.5(b) states that, "For all monitoring and dewatering trenches, the Permittee must submit to Ohio EPA, on a monthly basis, a report detailing the amount of liquids removed from each trench and dates of dewatering." ESOI did not submit the January 2007 Waterline Volume Report until March 7, 2007 - five weeks after the end of the reporting month.

ESOI should complete and submit this report at the earliest possible date during the calendar month immediately following the reporting month.

ESOI should respond to this letter within ten (10) days of receipt. Your response should include proposed remedies and/or timelines for rectifying the above violations. ESOI is also expected to address the above concerns in a timely manner. Failure to rectify the aforementioned concerns could result in future violations.

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

You can find copies of the rules and other information at <http://www.epa.state.oh.us/dhwm>. Ohio EPA also has helpful information about pollution prevention at <http://www.epa.state.oh.us/ocapp/ocapp.html>.

Sincerely,



Chris Maslo
Division of Hazardous Waste Management

/cs
pc: Oregon Document Depository
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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.