OhioEPA

State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

September 17, 2008

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

Subject: Cell M Leachate Violations & RTC – July 2008
(Sub-Cells M4, M5 & M6)
ESOI Otter Creek Road Facility
OHD 045 243 706
RCRA Hazardous Waste
Lucas County

Dear Mr. Humphrey:

On August 14, 2008, I received and reviewed the Cell M Leachate Report, July, 2008 completed by Envirosafe Services of Ohio, Inc. (ESOI) located at 876 Otter Creek Road, Oregon, Ohio. I reviewed this document and my inspection records to determine ESOI's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC), Chapter 3745 of the Ohio Administrative Code (OAC) and ESOI's approved December 29, 2005, Ohio Hazardous Waste Facility Installation and Operation Permit (permit).

Ohio EPA recognizes that ESOI made efforts to remove leachate from Cell M following the precipitation events of July 2 and July 3, 2008 and subsequently on July 8, 9 and 10, 2008. ESOI's efforts represented a significant improvement over ESOI's recent performance (since November 2006) in its ability to expeditiously remove leachate from Cell M and return leachate levels to the compliance points outlined in Permit Condition J.3(a) following precipitation events. However, ESOI's efforts were insufficient to meet the requirements of its permit and OAC Chapter 3745.

Ohio EPA has determined that ESOI is in violation of Permit Condition J.3(a) and OAC Rule 3745-57-03(A)(2) as described below:

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

Permit Condition J.3(a) states:

> *"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(C)(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."* (Emphasis added.)

ESOI failed to operate the pumps in the PLCS sumps in sub-cells M4, M5 and M6 as outlined in Permit Condition J.3(a) and allowed the leachate levels in these sub-cells to accumulate above the compliance points in Permit Condition J.3(a).

Ohio EPA's observations on-site and a review of ESOI's Cell M Leachate Report, July, 2008 showed that ESOI failed to properly manage its permitted on-site leachate storage capacity (tanks S-100, S-200, S-300 and S-400) allowing the leachate accumulation on the primary synthetic liner to exceed the height of either ten (10) inches (without the PLCS pumps activating) or one foot in sub-cells M4 (on 6 days – from 07/05 through 07/10), M5 (on 8 days – from 07/03 until 07/11), and M6 (on 4 days – from 07/05 until 07/08).

Ohio EPA's records of Cell M sub-cell leachate level readings indicate that ESOI has returned to compliance from the violations outlined in this letter.

In the past, ESOI has represented that precipitation totals over a weekly or monthly basis and/or figures representing the total volume of leachate removed from Cell M during a given month justify ESOI's excursions above the compliance points in Permit Condition J.3(a). Ohio EPA believes that ESOI has the vendor disposal capacity (with either the current vendors and/or with the addition of new vendors), storage capacity (on-site storage in the S-tanks and/or with the addition of temporary storage units [Baker Tanks] in Area K), transportation capacity (with either the current vendor and/or with the addition of new vendors); and that the Cell M PLCS has the pumping capacity (as detailed in ESOI's permit application – Appendix D.10 Tab 11, Leachate Head on Liner Analysis by The Mannik & Smith Group) to maintain less than twelve (12) inches of head on top of the primary liner up to and including a twenty-four (24) hour twenty-five (25) year storm event (representing 4.2 inches of rain in a 24-hour period) to enable the facility to comply with Permit Condition J.3(a). Ohio EPA has previously communicated to ESOI that your facility has an obligation to comply with Permit Condition J.3(a) and OAC Rule 3745-57-03(C)(2) regardless of your vendors' treatment, storage or transportation capacity. Ohio EPA does not view ESOI's claims of capacity limitations as a factor in our compliance determinations for your facility.

Ohio EPA recommends that ESOI secure additional transportation and disposal capacity, and better manage its on-site leachate storage capacity by emptying the S-Tanks at the end of each calendar day (end of day would continue to be recorded as the time at which ESOI completes tanker loading activities, but would now also represent the time at which ESOI has emptied the S-Tanks) to ensure that ESOI has the available on-site storage capacity to enable the PLCS to operate throughout the night and maintain leachate head levels at or below the compliance points outlined in Permit Condition J.3(a) (ten [10] inches for activation of the primary system pumps and not to exceed twelve [12] inches on the primary synthetic liner).

If you have any questions, please contact me via email at chris.maslo@epa.state.oh.us or by telephone at (419)698-3130.

Sincerely,

Gary L. Deutschman for

Chris Maslo
Division of Hazardous Waste Management

/cs

pc: Cindy Lohrbach, DHWM, NWDO
Tammy Heffelfinger, DHWM, CO
Fran Kovac, Legal, CO
Harry Sarvis, DHWM, CO
Mayor Marge Brown, City of Oregon
~~DHWM, NWDO File – ESOI Inspections/~~NOV File

ec: John Pasquarette, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
Michael Terpinski, DHWM, NWDO
Chris Maslo, DHWM, NWDO
Shannon Nabors, Chief, NWDO
Jeremy Carroll, DHWM, CO
Dale Meyer, U.S. EPA, Region V
Jae Lee, U.S. EPA, Region V

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.