



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

May 16, 2008

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

**Subject: Cell M Leachate Violation: Sub-cell M6 (September 2007 to March 2008)  
ESOI Otter Creek Road Facility  
OHD 045 243 706  
RCRA Hazardous Waste  
Lucas County**

Dear Mr. Humphrey:

On March 11, 2008, an inspection of the Cell M primary and secondary leachate levels at the M6 sub-cell was conducted at Envirosafe Services of Ohio, Inc., (ESOI) a treatment, storage and disposal facility (TSDF) located at 876 Otter Creek Road, Oregon, Ohio. I conducted this inspection 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.

Ohio EPA determined that ESOI was in violation of Permit Condition J.3(a) and OAC Rule 3745-57-03(A)(2) and issued ESOI a Notice of Violation (NOV) letter dated March 20, 2008. Ohio EPA also stated in that March 20, 2008 NOV (and reminded ESOI personnel of this fact during our April 11, 2008 meeting held at Ohio EPA's Northwest District Office) that additional violations and RTC criteria may follow under separate cover. Ohio EPA has now determined that ESOI is in violation of the following additional conditions of the facility's hazardous waste permit and/or Ohio's hazardous waste rules and laws:

**1. Permit Condition A.9 and ORC 3734.11**

Permit Condition A.9 states in part, "The Permittee must at all times properly operate and maintain the facility (and related appurtenances) to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective management practices, adequate funding, adequate operator staffing and training, and where appropriate adequate laboratory and process controls, including appropriate quality assurance/quality control procedures."

From at least September 1, 2007 through March 11, 2008, ESOI failed to properly operate and maintain the components of the PLCS system (transducers, flow meter, and pump activation relays) at Sub-cell M6. Despite repeated inquiries from Ohio EPA during this time period regarding anomalous transducer readings and flow meter readings, and concerns about the volume of leachate removal from Sub-cell M6, ESOI failed to employ effective management practices to investigate and determine the cause for the trends it was reporting in the monthly Cell M Leachate Reports.

**2. Permit Condition J.2(p) and OAC Rule 3745-57-03**

Permit Condition J.2(p) states, "The landfill must maintain both a leak detection/collection system and primary leachate collection and removal system in accordance with the plans contained in the permit application, Ohio hazardous waste rules, and the terms and conditions of this permit."

From at least September 1, 2007 through March 11, 2008, ESOI failed to maintain the components of the PLCS system (transducers, flow meter, and pump activation relays) at sub-cell M6 in accordance with the plans contained in the permit application, Ohio's hazardous waste rules, and the terms and conditions of ESOI's permit. Despite repeated inquiries from Ohio EPA during this time period regarding anomalous transducer readings and flow meter readings, and concerns about the volume of leachate removal from Sub-cell M6, ESOI failed to maintain and operate the components of the PLCS system at Sub-cell M6 and allowed the leachate level in the primary sump at the M6 Sub-cell to reach at least 129.4 inches over the floor of the sump.

**ESOI must do the following to return to compliance:**

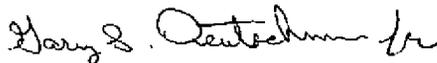
1. ESOI must provide a professional engineer's certification for the location of each transducer in each of the PLCS and SLCS sumps that currently contain a transducer (currently only the M2 and M3 SLCS sumps lack transducers). This certification must identify the elevation at which each transducer is placed. These elevations will be used to determine pump on/off settings for the pumps in the PLCS to ensure compliance with Permit Condition J.3(a). ESOI must recertify the location of any transducer that is moved or replaced during maintenance activities. For those PLCS sumps that contain more than one transducer (Sub-cells M5 and M6) ESOI will determine the pump on/off settings based on the transducer that is certified to be at the lowest elevation in that particular sump. ESOI must submit a permit modification to include the certified elevations of each of the transducers in the permit.
2. ESOI must develop an inspection and maintenance schedule for the PLCS/SLCS transducers to ensure that they are maintained in good working condition. ESOI must submit a permit modification to include this inspection and maintenance schedule in the permit.

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ESOI should respond to this letter within fourteen (14) days of receipt. Your response should include proposed remedies and/or timelines for rectifying the above violations.

If you have any questions, please contact me at (419)698-3130 or via e-mail at [chris.maslo@epa.state.oh.us](mailto:chris.maslo@epa.state.oh.us).

Sincerely,



Chris Maslo  
Division of Hazardous Waste Management

/cs

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

cc: John Pasquarette, DHWM, NWDO  
Gary Deutschman, DHWM, NWDO  
Michael Terpinski, DHWM, NWDO  
Chris Maslo, DHWM, NWDO  
Shannon Nabors, NWDO Chief  
Jeremy Carroll, DHWM, CO  
Dale Meyer, USEPA Region 5  
Jae Lee, USEPA Region

<p>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.</p>
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