



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
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

July 8, 2009

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

**Subject: Cell M Leachate Violations & RTC - March 2009
(Sub-Cells M2 & M5)
ESOI Otter Creek Road Facility
OHD 045 243 706
RCRA Hazardous Waste
Lucas County**

Dear Mr. Humphrey:

On April 16, 2009, I received and reviewed the Cell M Leachate Report, March, 2009 completed by Envirosafe Services of Ohio, Inc. (ESOI) located at 876 Otter Creek Road, Oregon, Ohio. In addition, on April 28, 2009, I requested that you provide me with inspection forms MF-18b and ESOI Daily Field Record for Leachate Levels for the period from March 11 through March 17, 2009. On April 30, 2009, ESOI provided the requested records and I reviewed these documents 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).

During a technical meeting at the Northwest District Office (NWDO) on April 29, 2009, ESOI was notified that Ohio EPA had determined ESOI was 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)

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(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." (Emphasis added.)

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ESOI reports the Permit Condition J.3(a) compliance points for sub-cells M2 and M5 on its Cell M Leachate Report, March, 2009 as follows:

- M2 - 37.6 inches (activation point for primary system pump = 10" on liner)
39.6 inches (leachate level accumulation of one foot)
- M5 - 33.8 inches (activation point for primary system pump = 10" on liner)
35.8 inches (leachate level accumulation of one foot).

Ohio EPA also notes that ESOI has set the primary pumps in sub-cells M2, M3, M4, M5 and M6 to activate at a transducer reading of 26.0 inches.

On March 12, 2009, ESOI's records indicate that at 6:00 a.m. all four S-tanks were closed. S-tanks 300 and 400 (opened at 4:55 p.m. on March 11, 2009) were indicating Hi-Level alarms. ESOI's "start of day" leachate level readings indicated that the M2 primary transducer read 40.1 inches, the M5 primary transducer read 80.7 inches, and the remaining sub-cell transducers (M3, M4, and M6) all showed readings above 28.0 inches. Ohio EPA observed at 6:45 a.m. that the M5 primary transducer showed a leachate level of 37.3 inches.

Similarly on March 13, 2009, ESOI's records indicate that at 5:30 a.m. all four S-tanks were closed. S-tanks 100, 300 and 400 (100 and 400 were opened at 8:30 p.m. on March 12, 2009) were indicating Hi-Level alarms. ESOI's "start of day" leachate level readings indicated that the M2 primary transducer read 40.0 inches, the M5 primary transducer read 60.3 inches, and the remaining sub-cell transducers (M3, M4, and M6) all showed readings above 28.0 inches.

Finally on March 16, 2009, ESOI's records indicate at 7:00 a.m. all four S-tanks were closed and indicating Hi-Level alarms. All four S-tanks had been opened on March 15, 2009, at 7:50 a.m., but no tankers were loaded that day even though the building was approximately seventy-five percent full at the beginning of the day. ESOI's "start of day" leachate level readings for March 16, 2009, indicated the M5 primary transducer read 53.3 inches and the sub-cell transducers at M2 and M6 showed readings above 28.0 inches. At approximately 9:30 on March 16, 2009, Ohio EPA observed that the S-tanks remained closed and leachate level readings at M2 and M5 were above the compliance points in Permit Condition J.3(a).

As described above, Ohio EPA's observations on-site and a review of ESOI's Cell M Leachate Report, March, 2009, inspection forms MF-18(b), and ESOI Daily Field Record Leachate Levels indicate that in multiple instances from March 12 through March 16, 2009, leachate levels in sub-cells M2 and M5 exceeded the compliance points in Permit Condition J.3(a) and OAC Rule 3745-57-03(A)(2) due to the practices ESOI employed to manage leachate removal from Cell M. 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) and/or one foot in sub-cells M2 and M5.

Ohio EPA's records of Cell M sub-cell leachate level readings after March 16, 2009, indicate that ESOI has returned to compliance from the violations outlined in this letter.

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.

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Ohio EPA recommends that ESOI utilize all of its available transportation and disposal capacity (and/or secure additional capacity) in the management of its F039 leachate. To this end, Ohio EPA believes that ESOI can manage its on-site leachate storage capacity better 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 e-mail at chris.maslo@epa.state.oh.us or by calling (419)698-3130.

Sincerely,



Chris Maslo
Environmental Specialist II
Division of Hazardous Waste Management

/cs

pc: Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO, Inspections/NOV-File~~
Fran Kovac, Legal, CO
Mayor Marge Brown, City of Oregon

ec: John Pasquarette, DHWM, NWDO
Gary Deutschman, DHWM, NWDO
Michael Terpinski, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
Lynn Ackerson, DHWM, NWDO
Chris Maslo, DHWM, NWDO
Shannon Nabors, NWDO District Chief
Ed Lim, DHWM, CO
Harry Sarvis, DHWM, CO
Tammy Heffelfinger, DHWM, CO
Mary Setnicar, USEPA Region 5

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.
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