



State of Ohio Environmental Protection Agency

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April 28, 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 – February 2009
(Sub-Cell M5)
ESOI Otter Creek Road Facility
OHD 045 243 706
RCRA Hazardous Waste
Lucas County**

Dear Mr. Humphrey:

On March 18, 2009, I received and reviewed the Cell M Leachate Report, February 2009 completed by Envirosafe Services of Ohio, Inc. (ESOI) located at 876 Otter Creek Road, Oregon, Ohio. In addition, on March 18, 2009, I requested that you provide me with inspection forms MF-18b and ESOI Daily Field Record for Leachate Levels for the period from February 12 through March 14, 2009. On March 20, 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).

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)

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.)

ESOI failed to operate the pumps in the primary leachate collection system (PLCS) sumps in sub-cell M5 as outlined in Permit Condition J.3(a) and allowed the leachate level in sub-cell M5 to accumulate above the compliance points in Permit Condition J.3(a) and OAC Rule 3745-57-03 (A)(2).

Ohio EPA's observations on-site and a review of ESOI's Cell M Leachate Report, February, 2009, inspection forms MF-18(b), and ESOI Daily Field Record Leachate Levels 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) and/or one foot in sub-cell M5 on February 13, 2009.

Specifically, on February 13, 2009, Ohio EPA observed at 7:22 a.m. that the M5 primary transducers showed a leachate level of 70.8 inches and 77.8 inches, respectively. On the Cell M Leachate Report, February, 2009, ESOI reports the Permit Condition J.3(a) compliance points for sub-cell M5 as 33.8 inches (activation point for primary system pump = 10 inches on liner) and 35.8 inches (leachate level accumulation of one foot). At 7:24 a.m. Ohio EPA observed that the S-Tanks were all closed and the PLCS pumps were unable to remove leachate from Cell M. At that time S-Tanks 100 (86.2%) and 300 (87.2%) were full and showing "Hi-Level" alarms. S-Tank 200 read 44.3% full and S-Tank 400 read 42.5% full. Tanker #1116 was parked in the Leachate Storage Tank Building (LSTB) loading bay and was being loaded from S-Tank 400. ESOI's records for February 13, 2009, show that at the time ESOI began operations at the LSTB (4:00 a.m.) all of the S-Tanks were closed and the leachate level at sub-cell M5 (68.5 inches) was above the compliance points in Permit Condition J.3(a). Ohio EPA observed that ESOI opened S-Tank 400 at 8:15 a.m. This allowed the PLCS pumps to again begin removing leachate from the primary sumps. At 8:22 a.m. Ohio EPA observed that the leachate level readings at sub-cell M5 were back in compliance.

ESOI's records and Ohio EPA's observations indicate that for several hours beginning sometime after 8:45 p.m. on February 12, 2009, and ending at approximately 8:22 a.m. February 13, 2009, leachate levels in sub-cell 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 on February 12 and 13, 2009.

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.

Mr. Kenneth Humphrey
April 28, 2009
Page Three

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 at (419)698-3130.

Sincerely,



Chris Maslo
Environmental Specialist II
Division of Hazardous Waste Management

/cs

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<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>
