



State of Ohio Environmental Protection Agency

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January 15, 2010

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

**Subject: Waste Analysis Plan (Container Inspection) – Notice of Violation
ESOI Otter Creek Road Facility
U.S. EPA ID# OHD 045 243 706
RCRA Hazardous Waste
Lucas County, NWDO**

Dear Mr. Humphrey:

On December 8, 2009, as part of a routine daily inspection, Ohio Environmental Protection Agency (Ohio EPA) staff observed Envirosafe Services of Ohio, Inc. (ESOI) unload and inspect shipment A91208005. Ohio EPA 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), Chapter 3745 of the Ohio Administrative Code (OAC) and ESOI's approved December 29, 2005, Ohio Hazardous Waste Facility Installation and Operation Permit (permit).

On December 8, 2009, you were verbally notified of the observations Ohio EPA made during the daily inspection. You were verbally notified of the following violations of the facility's hazardous waste permit and Ohio's hazardous waste rules on December 9, 2009.

1. Permit Condition B.3(b) and OAC Rule 3745-54-13(B) – General Waste Analysis Plan

Permit Condition B.3(b) states, in part, "The Permittee must follow the procedures described in the waste analysis plan found in Section C of the permit application ... and the terms and conditions of this permit."

OAC Rule 3745-54-13(B) states, "The owner or operator must develop and follow a written waste analysis plan which describes the procedures to be implemented in order to comply with paragraph (A) of this rule." Emphasis added.

Sections C-2e(1) and C-2e(2) of ESOI's WAP state that operations personnel will conduct visual inspections of containerized waste by opening each container to verify the contents conform with the information on the WPQ and to verify the absence of free liquids or void space.

During the inspection Ohio EPA conducted on December 8, 2009, I observed that shipment A91208005 consisted of 96 drums of Waste Stream Identification (WSID) #13159. After observing ESOI unload these drums from the transportation vehicle in Area O, I witnessed ESOI staff open and inspect only ten (10) drums of WSID #13159 from shipment A91208005 to check for the presence of free liquids or void space.

2. Permit Condition B.3(g) – Waste Analysis Plan for Containerized Wastes

Permit Condition B.3(g) states, in part, "One hundred percent of the drums must be opened and inspected for free liquids prior to disposal."

As described in item #1 above, ESOI failed to inspect all of the drums of WSID #13159 received as shipment A91208005 to determine if any free liquids were present.

Mr. Kenneth Humphrey
January 15, 2010
Page Two

Additional Concerns

In addition to the violations listed above, Ohio EPA has concerns with a number of discrepancies on shipment A91208005 that ESOI failed to identify through its Facility Quality Control and Assurance (QCA) procedures described in Section C-2b of the WAP. Ohio EPA identified – and brought to ESOI's attention – the following piece count, container type/size, and WSID# discrepancies that ESOI did not identify during the QCA process:

1. The manifest incorrectly identified the drums as WSID #13519 (instead of WSID #13159).
2. The manifest indicated that the generator had shipped 96 x 55-gallon plastic/fiber drums. Ohio EPA observed ESOI unload 95 x 55-gallon plastic drums and one drum that appeared to be an 85-gallon steel drum from the transportation vehicle.

ESOI must do the following to return to compliance:

1. ESOI must immediately begin certifying the examination of drummed loads and using the Container Inspection Reports detailed in Figure D-1 and described in Section D-1d (Container Management Practices). These Container Inspection Reports should be completed and certified by trained employees as they are conducting these inspections. These inspection records must be maintained at the facility as required by Permit Condition A.28(b).
2. ESOI must conduct and document training for staff involved in opening, examining, sampling and certifying the examination of containerized waste shipments as described in ESOI's WAP and Section D-1d of the Permit Application. This training must also include instruction on the accurate completion of the Container Inspection Reports.

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.

Should you have any questions, please feel free to call me at 419.698.3130.

Sincerely,



Chris Maslo
Environmental Specialist
Division of Hazardous Waste Management

/cs
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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.