



**Environmental
Protection Agency**

John E. Kasich, Governor

Fary Taylor, Lt. Governor

Scott L. Holby, Director

April 20, 2012

RE: SECOND NOTICE OF VIOLATION (NOV)
FOR OPERATING F001, F002 AND P902
IN VIOLATION OF PERMIT TERMS AND
CONDITIONS
DAPC FACILITY ID: 0250050885

CERTIFIED MAIL

Mr. David Gennaro
Soil Remediation, Inc.
6065 Arrel Smith Road
Lowellville, OH 44436

Dear Mr. Gennaro:

The purpose of this letter is to discuss the results of the complaint investigation performed at Soil Remediation, Inc. (SRI) in Lowellville, Ohio on February 29, 2012 and to notify you that SRI is operating F001, F002 and P902 in violation of permit terms and conditions. Thank you for your cooperation during the inspection.

Background:

In response to an anonymous complaint received by the Northeast District Office (NEDO) on December 8, 2011, Ohio EPA conducted a multimedia inspection to investigate the complaint and determine compliance with all applicable rules and permit terms and conditions. Present at the inspection were David Gennaro, Frank Naples and Richard Montgomery, representing SRI; Zorica Dejanovic, Tim Fischer and Bob Prinicic, representing the Division of Air Pollution Control (DAPC); Chris Moody and John Kwolek, representing the Division of Surface Water (DSW); and Randy Ohlemacher and Eric Schultz, representing the Division of Environmental Response and Revitalization (DERR). Matters related to DSW and DERR will/may be addressed in separate correspondence.

Violations of permit terms and conditions were discovered for F001, F002 and P902 and are described below.

F001-Roadways and Parking Areas:

During the inspection conducted in 2011 it was discovered that SRI was not following the record keeping requirements outlined in PTIO P0105320 issued 9/1/2009, Section d) Monitoring and/or Record keeping Requirements. This issue was addressed in the follow-up inspection letter, NOV (03/23/2011), and subsequent correspondence. However, copies of the "Log of Operations" collected during the February 29, 2012, inspection illustrate that SRI has not maintained the following required weekly record keeping:

- Section 1.(d)(4) The permittee shall maintain records of the following information:
- a. The date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;
 - b. The date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;

- c. The dates the control measures were implemented; and
- d. On a calendar quarter basis, the total number of days the control measures were implemented and the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures.

Additionally, no record keeping has been submitted for dates prior to March 2011. Failure to maintain appropriate records is a violation of the terms and conditions of PTIO P0105320 and Ohio Revised Code (ORC) section 3704.05(C).

F002 – Storage of Soils:

Section c) Operational Restrictions states: All contaminated soil shall be stored in an enclosure with a paved floor.

Section d)(1)-(3) outlines the inspection frequency for load-in, load-out and wind erosion for the storage piles at the facility; and

Section d)(7) requires the permittee maintain records of all inspections and days inspections were not performed. These records are to be maintained separately for load-in, load-out and wind erosion.

During the inspection it was discovered that the large contaminated storage pile outside the enclosure had been in place for several months due to a maintenance issue. Soil samples of the pile confirmed the presence of both diesel (13,000 mg/Kg) and gasoline (1,800 mg/Kg) fuels. Furthermore, SRI has not maintained the required record keeping detailing the daily and weekly inspections. Failure to maintain the appropriate records and properly enclose and store contaminated storage piles are violations of the terms and conditions of PTIO P0105320 and Ohio Revised Code (ORC) section 3704.05(C). Please submit a proposed log for storage pile inspections **within 30 days of receipt of this letter.**

P902 – SRU#1:

The soil remediation unit was not in operation during the inspection. NEDO requested copies of the operating log for the SRU. SRI submitted a "Log of Operations" for March 2011 - February 2012 (the log does not contain data for April, May, June, and August). The operations log indicated the SRU operated in March, July and September 2011. During these three months, the unit processed 26 loads of dirt, sand, and/or gravel. Data recorded during each run included; date, pressure drop, tons/hour, percent concentration, daily tons, roadways and parking areas check and a description of activities. However, PTIO P0105320 requires the following record keeping in addition to the data kept in SRI's Log of Operations:

- a. an analysis of a composite soil sample to be remediated;
- b. an analysis of daily composite sample(s) of soil(s) to be remediated;
- c. an analysis of remediated soil sample(s);
- d. total hours of operation of the kiln;
- e. the type and amount of total fuel consumed;
- f. the quantity of contaminated soil brought on site and the total on site;
- g. the date of receipt of all soil shipments brought onto the site;
- h. the location from which all soil shipments originated;
- i. a description of the location from which all soil shipments originated;

MR. DAVID GENNARO
APRIL 20, 2012
PAGE 3

- j. the total organic compound and total petroleum hydrocarbon concentration (weight percent) in all soil shipments received;
- k. the total quantity of hydrocarbons contained in each soil shipment (the sum of organic compound and total petroleum hydrocarbons, weight percent) X (quantity of soil); and
- l. an annual record of the total petroleum hydrocarbon concentration of the contaminated soils processed, as a percent by weight.

It appears SRI is not accurately maintaining records of any of the above in accordance with the permit terms and conditions. Failure to keep these records is a violation of PTIO P0105320 and Ohio Revised Code (ORC) section 3704.05(C).

In response to the March 23, 2011, NOV issued by NEDO, SRI submitted a response (April 8, 2011) which included a stack of lab results from various sites. In a letter dated July 7, 2011, NEDO indicated that the stack of labs results was not an adequate demonstration of record keeping required by PTIO P0105320. Additionally, this matter was discussed during the February 2012 inspection. Furthermore, the lab results were returned to SRI on March 6, 2012, and another request for data was issued. To date, NEDO has not received the requested information. **NEDO is requesting copies of any and all records pertaining to the operation of the soil remediation unit.** The requested data shall cover the last five years of operation and shall include, but not be limited to, the following:

- a. receipts for all materials received, including the weight, in tons;
- b. the origin of the material; lab results; and the originating owner/company;
- c. daily composite sample analyses for all contaminated soils stored on site;
- d. a record of every day the SRU was in operation and the amount of soil, in tons, processed through the unit;
- e. the temperature chart recorder(s) for the oven and oxidizer for each day the unit was in operation;
- f. the baghouse pressure drop recordings for each day the unit was in operation;
- g. the total operating hours of the remediation unit;
- h. records of the type and quantity of fuel used in the rotary kiln burner and thermal oxidizer; and
- i. the lab analysis for each remediated soil processed through the unit.

In the March 23, 2011 NOV, SRI was directed to schedule and complete emission testing in accordance with PTIO P0105320 Section f)(1) Testing Requirements. Emission testing was required for P902 within 1 year of permit issuance. PTIO P0105320 was issued 9/1/2009. Testing should have been completed by 9/1/2010. This testing had not been accomplished in violation of the terms and conditions of PTIO P0105320. Testing was finally completed on November 1, 2011. The compliance stack test report was received on December 20, 2011, and the post remediation lab results and weigh slips for the contaminated piles were received on January 12, 2012. Testing for the SRU is required every 2.5 years.

As part of the complaint investigation, several soil samples were gathered from the storage pile near the SRU, designated by SRI as "contaminated" and awaiting remediation, and at various locations near the top of the complex. Samples taken from/recently deposited dirt near the top

MR. DAVID GENNARO
APRIL 20, 2012
PAGE 4

of the complex, contained higher concentrations of diesel fuel than the "contaminated" storage pile near the SRU. It appears that these contaminated soils were brought on site and dumped without remediation, in violation of PTIO P0105320. **NEDO is requesting an explanation for the diesel/gasoline contaminated soils located near the top of the site.** Please submit this letter and SRI's plan for remediation **within 30 days of receipt of this letter.**

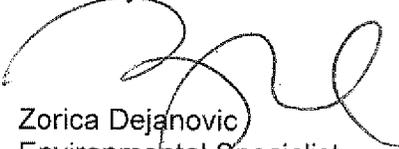
Moreover, soil/dirt piles throughout the site including the contaminated pile were inundated with plastic and other trash/debris. PTIO P0105320, Section c)(8) requires the permittee to remove all waste from contaminated piles and properly store and dispose of such waste in a timely manner. There were no dumpsters near the SRU or on the site. It appears SRI is not removing waste prior to remediation. Failure to remove and properly dispose of waste from contaminated soils is a violation of PTIO P0105320 and Ohio Revised Code (ORC) section 3704.05(C). **NEDO is requesting all waste shipment receipts for the last five years.** Please submit these records **within 30 days of receipt of this letter.**

Failure to comply with the above requests may result in an enforcement action up to and including a referral to the Central Office of Ohio EPA for appropriate action.

The submission of the requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

Should you have any questions regarding this matter, please feel free call me at (330) 963-1222.

Sincerely,



Zorica Dejanovic
Environmental Specialist
Division of Air Pollution Control

ZD:bo

ec: Ed Fasko, Ohio EPA, DAPC, NEDO

cc: Bill MacDowell, U.S. EPA, Region 5
Tom Kalman, Ohio EPA, DAPC, CO
Tim Fischer, Ohio EPA, DAPC, NEDO
Bob Princic, Ohio EPA, DAPC, NEDO
Chris Moody, Ohio EPA, DSW, NEDO
John Kwolek, Ohio EPA, DSW, NEDO
Eric Schultz, Ohio EPA, DERR, CO
Randy Ohlemacher, Ohio EPA, DERR, CO
Katharina Snyder, Ohio EPA, DMWM, NEDO
Mary Helen Smith, Mahoning County District Board of Health
Christine Pyscher, Ohio Division of State Fire Marshal, BUSTR