

**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

March 24, 2011

RE: INSPECTION FOLLOW-UP LETTER AND
NOTICE OF VIOLATION (NOV) FOR
OPERATING F001, F002 AND P902 IN
VIOLATION OF PERMIT TERMS AND CONDITIONS
DAPC FACILITY ID: 02 50 05 0885

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 compliance inspection performed at Soil Remediation, Inc in Lowellville, Ohio on March 16, 2011 and to notify you that Soil Remediation, Inc. is operating F001, F002 and P902 in violation of permit terms and conditions. Thank you for your cooperation during the inspection.

Background:

On March 16, 2011, Tony Becker and I visited Soil Remediation to determine compliance with all applicable rules and permit terms and conditions. Violations of permit terms and conditions were discovered for F001, F002 and P902 and are described below.

F001& F002 – Roadways, Parking Areas and Soil Storage Piles:

All roadways and parking areas are paved and relatively clean. Additionally, contaminated storage piles are located in a partially enclosed structure with a paved floor. However, permit-to-install and operate (PTIO), P0105320, issued on September 1, 2009, Section d) "Monitoring and/or Recordkeeping Requirements" requires that the permittee maintain records of inspections conducted and any control measures implemented on all roadways, parking areas and storage piles. Soil Remediation has not maintained records of these inspections, thereby violating the terms and conditions of PTIO P0105320 and Ohio Revised Code (ORC) section 3704.05(C).

During the inspection you indicated that Soil Remediation does sweep and water the roadways and parking areas as necessary. However, you have failed to maintain a record of your inspections and control measures. You were made aware of this violation during the inspection and have agreed to create and maintain a log book with the required information. Please submit a copy of the proposed log **within 21 days of receipt of this letter.**

P902 – SRU#1:

During our review of your records and our conversation, it was discovered that record keeping for P902 was not maintained for the following:

- 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. pressure drop across the baghouse;

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- e. weights for the hourly amount of soil charged to the rotary kiln;
- f. total hours of operation of the kiln;
- g. the type and amount of total fuel consumed;
- h. the quantity of soil charged to the kiln;
- i. the total organic compound and total petroleum hydrocarbon concentration (weight percent) in all soil shipments received;
- j. 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
- k. an annual record of the total petroleum hydrocarbon concentration of the contaminated soils processed, as a percent by weight.

Failure to keep these records is a violation of PTIO P0105320. The monitoring and/or recordkeeping sections d)(3) – d)(9) detail the exact requirements for P902. During the inspection you stated that approximately a year ago, a building on the property that stored some of the above mentioned records was vandalized and the contents of the building destroyed.

Finally, emission testing was required for P902 within one year of permit issuance. PTIO P0105320 was issued 9/1/2009. Testing should have been completed by 9/1/2010. This testing has not been accomplished in violation of the terms and conditions of PTIO P0105320. During our conversation you stated that in late 2009, early 2010, the baghouse for P902 caught fire and was destroyed. Soil Remediation has installed a new baghouse and plans on conducting an emission test this summer. Ohio EPA, Northeast District Office, was not notified of the fire and subsequent baghouse destruction. **Please ensure that testing is performed within 30 days of initiating production in 2011.**

Please submit all available required daily and annual records for calendar years 2009 through 2011. For records destroyed by either the break-in or fire, submit a statement listing the months/years of missing data and the corresponding reason(s). In addition to the records, please submit a plan for achieving compliance with the permit terms and conditions, including specifics regarding the break-in and baghouse fire **within 21 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.

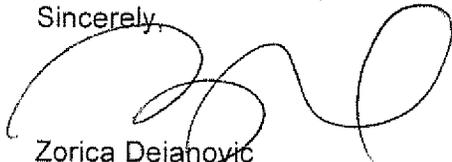
In addition to the compliance inspection we discussed Soil Remediation's tentative plans to receive flowback sands from drilling operations. Dewatered sands would be delivered to the facility, blended with other contaminated soils, treated through the rotary kiln and sold to various companies. A sample of the sand has been sent for testing and lab analysis. Soil Remediation has agreed to provide Ohio EPA, NEDO, a copy of the analysis and, if required, submit a permit application prior to commencing operations. **Please ensure the analysis meets the requirements outlined in section d)(2)(b) of PTIO P0105320.**

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Soil Remediation also expressed interest in installing a process to dewater the sands onsite and in purchasing street sweepings to blend with brine to produce ice control products. The Ohio Department of Natural Resources (ODNR) has specific regulations regarding the disposition of flowback fluids. Please contact Tom Tomastik at the ODNR Division of Mineral Resources Management (614) 265-1032 for further information. Street sweepings are regulated by the Ohio EPA, Division of Solid and Infectious Waste (DSIW). On March 17, 2011, NEDO received a fax containing lab analysis of street sweepings dated May 26, 2010. The lab results were forwarded to DSIW. The purchase and reuse of street sweepings is generally not permissible except on a case by case basis as determined by the Director. Please contact Katharina Snyder (330) 963-1276 at the Division of Solid and Infectious Waste for further clarification and information.

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
Katharina Snyder, Ohio EPA, DSIW
Tom Tomastik, ODNR, DMRM
Tara Cioffi, M-TAPCA

pc: Bill MacDowell, U.S. EPA, Region 5
Tom Kalman, Ohio EPA, DAPC, CO
Tim Fischer, Ohio EPA, DAPC, NEDO
Christine Pyscher, Ohio Division of State Fire Marshal, BUSTR

