



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

March 25, 2013

CERTIFIED MAIL

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

RE: Notice of Violation (NOV) for Operating P902 in Violation of Permit Terms and Conditions
DAPC Facility ID: 0250050885

Dear Mr. Gennaro:

This letter is to notify you that SRI is operating the soil remediation unit (P902) in violation of permit terms and conditions. In response to the NOV issued by this office on April 20, 2012, SRI submitted the following requested information:

- Files containing manifests and laboratory analysis for soils SRI accepted for remediation (Received by NEDO on May 18, 2012); and
- Temperature chart recorder strips without time and date stamps, labeled by hand "Stack Test," and "Feb, Mar, April." (Received by NEDO on July 12, 2012)

Soil Deviations

After a thorough review of the lab results, it was discovered that several samples contained levels of contaminants that did or may exceed the threshold for hazardous waste, as listed under 40 CFR 261.24 and OAC 3745-51-24, Toxicity Characteristic (See Table 1). In addition, the presence of MEK in a shipment may indicate that the waste contained a listed hazardous waste as defined in 40 CFR 261.30 and OAC 3745-51-30.

PTIO P0105320, Section d)(2)b.ii. specifies that SRI must:

Either certify and demonstrate the following, or require that the material generator certify and provide documentation which demonstrates that the soil:

- (a) does not contain a listed hazardous waste;
- (b) is not hazardous by characteristic as defined by Ohio EPA or U.S. EPA; and
- (c) is not regulated under TSCA.

SRI failed to properly characterize the soils containing potentially hazardous contaminants, thereby violating the terms and conditions of PTIO P0105320.

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Moreover, some of the shipments contained constituents that are not listed petroleum products, such as MEK, Arsenic and Chromium (See Table 1).

PTIO P0105320, Section c)(5), stipulates that SRI may only treat soils and aggregate contaminated with petroleum products. Processing soils containing only non-petroleum contaminants through the SRU is a violation of the permit terms and conditions.

<u>Lab Date</u>	<u>Constituent(s)</u>
7/14/2011	Lead
5/25/2011	MEK
8/13/2009	Arsenic, Chromium, Lead
9/14/2006	Lead
4/18/2005	Lead
7/10/1998	Lead

Table 1: Constituents of concern

Temperature Deviations

The recorder strip labeled "Feb, Mar, April" indicates that the oxidizer's temperature ranged between 1200-1250°F. The operational restriction in Section c) of PTIO P0105320 requires the following:

- (2) The combustion temperature within the thermal oxidizer shall not be below 1450°F.

Section e) requires SRI to submit an excursion report for any deviation from the allowable temperature for the oven and/or oxidizer. Operating the oxidizer below the required minimum temperature and failing to submit deviation reports are violations of the permit terms and conditions.

Also, it was discovered that SRI's temperature chart recorder does not measure oven temperature, but discharge temperature. Sections c)(4) and d)(1) of PTIO P0105320 require an oven temperature of at least 450°F for the rotary kiln, and a continuous temperature monitor and recorder to measure and record the temperature within the oven. Operating the SRU without the required monitoring/recording devices is a violation of the permit terms and conditions. During the March 14, 2013, inspection, SRI stated that the temperature monitoring system presently in place, although not directly, does adequately demonstrate that the oven is meeting the required minimum temperature. SRI has agreed to furnish appropriate documentation to justify the claim. Please submit all supporting data **within 21 days of receipt of this letter.**

Please submit a comprehensive explanation for the temperature deviations, proof that the soils in question were not hazardous, any additional documentation related to the disposition of these soils, and a proposed compliance plan which provides detailed instructions illustrating SRI's method(s) to avoid/prevent acceptance of potential hazardous/prohibited waste **within 21 days of receipt of this letter.**

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Additional Concerns

During the compliance inspection conducted March 14, 2013, emissions of smoke & steam were observed at the connection of the fabric duct and the oxidizer (see attached photo), creating an uncontrolled release of volatile organic compounds to the atmosphere.

Please make the necessary repairs and submit a letter documenting any repairs and photographs upon completion **within 21 days of receipt of this letter.**

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: Summer Plantz, Ohio AGO, Environmental Enforcement Section
Brian Dickens, U.S. EPA, Region 5
Ed Fasko, Ohio EPA, DAPC, NEDO
Tim Fischer, Ohio EPA, DAPC, NEDO
Chris Moody, Ohio EPA, DSW, NEDO
Mary Helen Smith, Mahoning County District Board of Health
Bruce Weinberg, Ohio EPA, DAPC, CO



Picture 1: Soil Remediation Unit – inlet duct to oxidizer