

**Environmental
Protection Agency**

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



March 15, 2012

RE: HERITAGE – WTI, INC. (WTI)
LQG / TSD
OHD 980 613 541
COLUMBIANA COUNTY
NOTICE OF VIOLATION

Mr. John Peterka
Heritage-WTI, Inc.
1250 St. George Street
East Liverpool, Ohio 43920

Dear Mr. Peterka:

On March 2, 2012, I conducted a general walk-through inspection of the Heritage-WTI (WTI) facility. I was accompanied by Ms. Evonne Masello of WTI's Environmental Health and Safety department. During the general walk-through inspection, violations of Ohio's hazardous waste laws in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC), as well as with its State of Ohio Hazardous Waste Facility Installation and Operation Permit, were found.

The situations observed on March 2, 2012 were immediately abated by WTI personnel. However, certain corrective actions are requested by Ohio EPA in order for WTI to fully return to compliance.

The following violations were noted:

1. OAC rule 3745-54-31 Design and Operation of Facility (Permit Condition B.1), which states:

Facilities shall be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

A spill of material was observed at the base of the small door on the south side of the spray dryer. The small door is located at the top of the third flight of stairs, at the end of a short catwalk leading to the door, just above the section where the spray dryer becomes cylindrical in shape. The material appeared to be treatment residual (ash) from the spray dryer. A piece of cardboard or metal had been laid across the grating near the door, and a substantial amount of the material was observed in a pile atop that piece of cardboard or metal. The amount of material would probably have filled a five-gallon pail, approximately. It appeared that the cardboard or metal had been placed across the grating to collect any ash that would fall out of the spray dryer when the small door was opened.

Ohio EPA believed the material was ash that had accumulated in that location as a result of recent activities and preventative maintenance conducted on the spray dryer. Since the material was piled beneath the door into the spray dryer, it appeared that clean-up and proper disposal of the ash had not been conducted after maintenance activities. WTI personnel collected samples of the material, determined by visual examination that the material was treatment residual (ash), cleaned the area, and containerized the ash on March 2, 2012.

All treatment residue generated by WTI is considered hazardous and is to be managed in accordance with the approved Part B permit application. The spill of ash found at the door of the spray dryer (3rd stair level) was not cleaned up and waste containerized for proper disposal at the time the spill occurred. As such, the operation and maintenance activities at the spray dryer were not conducted in a timely manner to minimize a release of hazardous waste constituents.

To further address this violation, WTI must conduct retraining of appropriate personnel responsible for the Incineration portion of the facility (which includes the spray dryer) on the existing Standard Operating Procedures (SOPs) for ash clean-up and submit documentation on such retraining.

2. OAC rule 3745-54-15(A) General Inspection Requirements (Permit Condition B.5), which states:

The owner or operator must inspect his facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to: (1) release of hazardous waste constituents to the environment.

Inspections of the facility are required on a daily basis in accordance with Section F of the approved Part B permit application. The inspection form titled INC-1-DW includes the spray dryer and specifically, the ash removal and conveying systems. However, based upon the observation of ash at the door of the spray dryer (3rd stair level), inspections for spills or releases must also be conducted on a routine basis in areas where maintenance operations occur.

Many of those areas are not often traveled by personnel outside of the maintenance crew assigned to that task. Therefore, it is imperative that the personnel performing such tasks conduct a thorough clean-up of the affected areas prior to considering their tasks completed. The presence of the ash remaining on the catwalk for some period of time after maintenance activities were conducted indicates the area was not inspected properly in accordance with OAC 3745-54-15(A) and Section F of the approved Part B permit application.

To further address this violation, WTI must conduct retraining of appropriate personnel on the existing inspection form INC-1-DW for the Incineration portion of the facility and submit documentation on such retraining.

3. OAC Rule 3745-52-34(A)(2) – Accumulation Date on Container, which states:

A generator may, for 90 days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site provided that the date upon which each period of accumulation and/or treatment begins is clearly marked and visible for inspection of each container.

A small yellow metal hopper without a cover, a hazardous waste label, or an accumulation start date was observed under the slag conveyor. The hopper was full and contained a variety of waste materials and clean-up debris including a pail and absorbent pads that were easily visible at the surface. The waste appeared to be on-site generated waste collected from the area surrounding the slag conveyor. WTI personnel removed the hopper and disposed of the material on the day the hopper was observed.

To further address this violation, WTI must conduct retraining of appropriate personnel on generator requirements including accumulation, labeling and dating requirements, and general awareness for observations of inappropriate activities to ensure on-site generated waste is managed in accordance WTI's existing procedures and submit documentation of such retraining.

4. OAC Rule 3745-52-34(A)(3) – Container Labeling, which states:

A generator may, for 90 days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site provided that each container is labeled or marked clearly with the words "Hazardous Waste".

As described in violation #3, the hopper full of on-site generated waste was not labeled with the words "Hazardous Waste". WTI personnel removed the hopper and disposed of the waste on the day the hopper was observed.

To further address this violation, WTI must conduct retraining of appropriate personnel on generator requirements including accumulation, labeling and dating requirements, and general awareness for observations of inappropriate activities to ensure on-site generated waste is managed in accordance WTI's existing procedures and submit documentation of such retraining.

5. OAC 3745-66-73(A) - Closed Container, which states:

A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste.

As described in violation #3, the hopper full of on-site generated waste was not closed (no cover or lid). WTI personnel removed the hopper and disposed of the waste on the day the hopper was observed.

To further address this violation, WTI must conduct retraining of appropriate personnel on generator requirements including accumulation, labeling and dating requirements, and general awareness for observations of inappropriate activities to ensure on-site generated waste is managed in accordance with WTI's existing procedures and submit documentation of such retraining.

WTI needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws and rules. Within **14 days** of receipt of this letter, WTI must provide the above-requested documentation to Ohio EPA including the steps taken to abate the violations cited above. Documentation may be submitted via the postal service or electronically to michelle.tarka@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, WTI is requested to submit written correspondence of the steps that will be taken by a date certain to attain compliance.

If you have any questions, please contact me at the East Liverpool Field Office at (330) 385-8421.

Sincerely,



for
Michelle Tarka
Environmental Specialist
Division of Materials and Waste Management

MT:ddw

cc: Michelle Tarka, DMWM, NEDO
Frank Popotnik, DMWM, NEDO
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Keywords: NOV, ash, hopper