



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

February 28, 2008

RE: NOTICE OF VIOLATION AND
RETURN TO COMPLIANCE
HERITAGE-WTI, INC.
OHD 980 613 541 / 02 - 15 - 0589
COLUMBIANA COUNTY

Mr. John Peterka
Heritage-WTI, Inc.
1250 Saint George Street
East Liverpool, OH 43920

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Mr. Peterka:

On February 14, 2008, Ohio EPA observed an action at the Heritage-WTI, Inc. facility located in East Liverpool, Ohio, whereby the Permittee violated permit conditions of the Ohio Hazardous Waste Facility Installation and Operation permit. This letter serves as both a notice of violation (NOV) and a return to compliance (RTC). The action observed and described below is a violation of Ohio Revised Code (ORC) 3734.11(b) which states:

ORC 3734.11(b)

"No person who holds a permit or license issued under this chapter shall violate any of the terms and conditions of the permit or license."

1. Permit Condition C.5., Management of Containers:

- (a) All container storage shall be conducted within the container storage units as described in Condition C.1. of this permit...

2. Permit Condition C.14., Container Staging:

As applied to this permit, staging refers to the temporary placement of off-site generated waste within the facility. Time limits for staging have been designated....

- (b) Containers in the Container Processing Building (CPB) shall be staged according to the specific processes being performed.
(1) Container Receiving Area - Containers can be staged at the Container Receiving Area for up to 1 day (24 hours).

On February 14, 2008, during a walk through inspection, an Ohio EPA on-site inspector observed three large vessels in the Container Receiving Area of the Container Processing Building (CPB). The containers (ID#s 10000027815, 27816 and 27817) had been received by the Permittee on February 11, 2008. The containers were observed again on February 15, 2008, and were then placed in storage on February 18, 2008.

Upon questioning facility personnel, Ohio EPA learned the waste stream, a non-hazardous granular activated carbon stream, had been received in the large portable totes or vessels and not in drums as profiled by the customer. Consequently, the Permittee was uncertain how to collect the sample necessary for acceptance of the waste which was conditionally approved. The problem was eventually resolved and a sample was collected on February 20, 2008.

For seven days, the three containers were located in an area of the CPB where staging is limited to 24 hours. Ohio EPA is cognizant of the issue with sampling, however, to be compliant with the permit, the containers should have been placed in a storage or discrepancy area until resolution was achieved.

HERITAGE-WTI, INC.
NOTICE OF VIOLATION AND RETURN TO COMPLIANCE
FEBRUARY 28, 2008
PAGE - 2 -

In conversations with you and Amy Brady, Ohio EPA was provided with an explanation of the events leading up to the violation and a list of corrective actions relative to container staging compliance in the CPB. The corrective actions include:

- Developing a floor plan for the CPB that would layout new and existing staging/process locations, with the understanding new locations may require a permit modification;
- Post signs that describe special staging areas and the time limitations, e.g., five days for the discrepancy resolution area;
- Add locations to the computer inventory system to improve tracking of waste being staged in the CPB;
- Modify the computer system to notify responsible parties that staged waste containers are approaching the time limit and must be put away/processed/split, etc.

WTI **returned to compliance** with regard to this NOV when the portable totes were placed into storage. Ohio EPA is requesting that the facility provide confirmation that the corrective actions described to the Ohio EPA during the meeting on February 21, 2008, and in the e-mail from John Peterka dated February 22, 2008, have been implemented. WTI stated the corrective actions would be in place by March 15, 2008. Please provide the requested information within thirty days of the date of this letter.

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve Heritage-WTI, Inc. from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve Heritage-WTI, Inc. from liability for any past or present violations of the state's hazardous waste laws.

If you have any questions, please contact me at the Ohio EPA field office in East Liverpool at (330)385-8447. Or you may contact Frank Popotnik, Northeast District Office at (330) 963-1198. You can find the rules and other information on the division's web page at: <http://www.epa.state.oh.us/dhwm>.

Sincerely,



for Patricia Natali
Environmental Specialist
Division of Hazardous Waste Management

PN:ddw

cc: Frank Popotnik, DHWM, NEDO
Natalie Oryshkewych, DHWM, NEDO
Michelle Tarka, DHWM, NEDO
Harry Sarvis, DHWM, CO
Tammy McConnell, DHWM, CO
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