



**Environmental  
Protection Agency**

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

March 29, 2011

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

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

Dear Mr. Peterka:

On March 10, 2011, Michelle Tarka , on-site inspector with Ohio EPA, Division of Hazardous Waste Management (DHWM) received a telephone call from Carrie Beringer of Heritage-WTI, Inc. (WTI) who self-reported a violation of Ohio's hazardous waste laws and permit conditions. Because WTI was unaware of the violation until the self-report, the date of March 10, 2011, is considered the date of the non-compliance and is also considered the date of the return to compliance. Therefore, this letter serves as both a notice of violation (NOV) and a return to compliance (RTC).

The following is a description of the situation resulting in the self-report and the violation of the permit conditions:

On February 26, 2011, WTI received a delivery of waste with containers on several manifests. The containers were unloaded to the receiving conveyor, the manifests were reconciled with the appropriate containers, and labels were printed for each container. During the actual application of labels to the containers, two labels were inadvertently switched and placed on containers from two different manifests by a member of the Drum Crew. At this time, a new employee was training on the job and is believed to be responsible for the switched labels.

Manifest #004204510FLE listed containers of loosepack waste, universal waste, and solvent waste. Non-Hazardous Manifest #1326505-15119 listed containers of various hazardous wastes including light bulbs. This waste was generated from a Conditionally Exempt Small Quantity Generator (CESQG), so no hazardous waste codes were required to be on the manifest. However, the container of light bulbs from Manifest #1326505-15119 was profiled into WTI as a waste that was not to be incinerated but rather was to be sent off site for recycling under the Third Party Program.

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As mentioned previously, a container of waste from Manifest #00420451FLE was mis-labeled as "not to be incinerated" and placed into storage to await consolidation with other wastes into a shipment off site for recycling. The container of light bulbs from Non-Hazardous Manifest #1326505-15119 was mis-labeled as waste that could be incinerated and the container was later incinerated on February 28, 2011.

On March 9, 2011, another WTI employee began consolidating containers of light bulbs for shipment off site. At this time, it was discovered that a container labeled for off-site recycling (supposed to be light bulbs) was actually a different container of waste. WTI investigated the situation and ultimately determined that the labels on the two containers had been reversed. WTI self-reported the violation to Michelle Tarka of Ohio EPA on March 10, 2011.

WTI has calculated, at worst case scenario, that 0.0017 pounds of mercury were incinerated based on the weight of the waste within the container.

According to the RCRA permit issued by Ohio EPA DHWM, WTI is permitted to feed up to 443 pounds per year of mercury. The incineration of the container of light bulbs which contain mercury did not cause WTI to exceed the permit limit. However, WTI's permit does not allow the incineration of inorganic mercury waste managed for third-party shipment to a designated treatment facility.

**VIOLATIONS:**

The Ohio EPA, DHWM found the following violations of permit conditions:

1. Permit Condition B.1(e) which states: The Permittee may receive and store off site generated waste (third party waste) that will not be incinerated at the facility. This waste will be transported off site to a permitted facility for treatment and/or reclamation. Third party waste will be managed in accordance with the permit and the approved Part B permit application.
2. Permit Condition B.3(b) which states: The Permittee shall follow the procedures described in the approved waste analysis plan found in Section C of the approved Part B permit application and the terms and conditions of the permit.

**RETURN TO COMPLIANCE:**

The incident was discussed with the new employee and training continued with additional emphasis on correctly labeling waste containers. WTI has abated the violation and returned to compliance with regard to this NOV. In addition, a safety bulletin describing the incident and NOV will be provided to all Drum Crew members over the course of the next few weeks which will describe the incident resulting in the Notice of Violation to the facility.

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

If you have any questions concerning this action, please contact Michelle Tarka at the East Liverpool Field Office (330) 385-8421, or at the Ohio EPA Northeast District Office (330) 963-1234.

Sincerely,



for

Michelle Tarka  
Division of Hazardous Waste Management

MT/cl

cc: Michelle Tarka, DHWM, NEDO  
Frank Popotnik, DHWM, NEDO  
Carrie Beringer, Heritage-WTI, Inc.

ec: John Nyers, DHWM, CO  
Harry Sarvis, DHWM, CO  
Ed Fasko, DAPC, NEDO  
Pam Korenewych, DAPC, NEDO

Keywords: NOV, lightbulbs, mercury

