



State of Ohio Environmental Protection Agency

Northeast District Office

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

February 16, 2010

Ms. Carrie Beringer
Heritage-WTI, Inc.
1250 St. George Street
East Liverpool, OH 43920

RE: HERITAGE-WTI, INC., COLUMBIANA COUNTY, OHD 980 613 541, HWFB NO. 02-15-0589, LABORATORY COMPLIANCE EVALUATION INSPECTION PARTIAL RETURN TO COMPLIANCE

Dear Ms. Beringer:

We are in receipt of your letter dated December 23, 2009 responding to our notice of violation (NOV) dated November 24, 2009.

WTI's response to each violation will be evaluated separately in this letter; however, Ohio EPA has determined the response to violation 1, OAC rule 3745-54-13(B)(3) and Permit Condition B.3.(b): General Waste Analysis Plan, is not acceptable. In addition, WTI has yet to provide documentation that action necessary to assure compliance with OAC Rule 3745-54-13 (B) and Permit Condition A.12(b) (see violation 3) has been implemented. Consequently, WTI is still in violation of these rules and permit conditions. Please address the violations immediately and provide the documentation requested below within 15 days of the date of this letter.

1. Violation: OAC rule 3745-54-13(B)(3) and Permit Condition B.3.(b)

Observation by Ohio EPA of bulk solid waste sampling on September 28, 2009 revealed no attempt to take samples below the surface or to collect a large volume of waste material (in a bucket or pail) from which a composite sample could be taken for analysis. The sampling procedure observed was not in accordance with Section C, Waste Characteristic and Waste Analysis Plan (WAP) of the Part B permit application, pages C-113 and C-114.

On page C-113 of the WAP, in Table B, Sampling Points Recommended for Most Waste Containers, the sampling plan requires the sampler to: "Divide surface area into an imaginary grid. Take samples from surface to mid-depth. Randomly sample the grid pattern or take samples from the front, center, and back, and another location randomly chosen."

Page C-114, Table C, Number of Samples to be Collected, requires: "1 Composite sample of 6 fixed samples collected approximately every 3 feet and 2 random samples. All 6 samples should be placed in a bucket and mixed to produce 1 composite sample."

During the observed sampling event, WTI personnel used a platform located adjacent to the end dump to collect a sample for fingerprint analysis. The platform was not moved and a tool was not used in order to access waste in the front or the back of the forty (40) cubic yard end dump container. Three or four individual items (gloves, rags, etc.) were taken directly from the top of the solid waste from the center of the end dump and placed into a quart jar. No attempt was made to sample below the surface, or to randomly accumulate a large volume of material and collect a composite sample.

Furthermore, discussion with WTI personnel regarding the sampling event should reflect the standard operating procedure employed to assure compliance with hazardous waste rules and permit conditions. The sampling technician described how the sample was obtained which confirmed what had been observed by Ohio EPA inspectors.

Please provide documentation that WTI is sampling bulk solid waste in accordance with their WAP; this can be in the form of photographs of a sampling event or by an actual demonstration to the Ohio EPA on-site inspectors. In addition, please provide a sign-in sheet confirming that essential WTI personnel have been trained with respect to the proper sampling procedure as described in the WAP.

2. Violation: OAC Rule 3745-270-07(A)(1) and Permit Condition B.3.(b)

During the lab inspection on September 28, 2009, it was determined Method 1311, toxicity characteristic leaching procedure (TCLP), was not being followed as written in SW-846; this is in violation of OAC Rule 3745-270-07(A)(1) and Permit Condition B.3.(b) General Waste Analysis Plan.

Ohio EPA requested that WTI provide documentation of retraining for lab personnel and arrange a time when Ohio EPA can observe the size reduction procedure and the pre-test TCLP extraction fluid type determination as written in Method 1311. Ohio EPA observed the size reduction procedure and pre-test TCLP extraction fluid type determination on December 2, 2009. The laboratory procedures were conducted in accordance with SW-846, Method 1311. In addition, WTI reviewed the laboratory procedure (LABOP-350) with the WTI chemists and provided a copy of the sign-in sheet for the personnel that were retrained.

WTI has returned to compliance with respect to this violation.

3. Violation: OAC Rule 3745-54-13 (B) and Permit Condition A.12(b).

According to the WAP, pages C-117 and C-118, when a sample label is not automatically printed by the computer system, the label will need to be filled out by WTI personnel to prevent misidentification of samples. The information to be included on the sample container is (1) Waste Name, (2) Tank or Container ID, (3) Date and Time, and (4) Initials of the person taking the sample.

Ohio EPA on-site inspectors had observed treatment residue (slag) collected for analysis in sample jars with only the word "slag" printed on it. Ohio EPA inspectors have also observed waste samples, requested by the lab, without a printed label and without any identifying information, e.g., sampler's initials, waste name, container or tank ID, etc. These actions are in violation of OAC Rule 3745-54-13 (B) and Permit Condition A.12(b).

According to your December 23, 2009 letter, "WTI is in the process of modifying its computer system to print labels with the information required on pages C-117 and C-118. Once this modification has been completed, WTI will implement the change."

Please provide documentation the sample containers are being labeled as required, either with the printed label or by hand. WTI will remain in violation until documentation of compliance is provided.

Comments and Recommendations

In the November 24, 2009 letter to WTI, Ohio EPA noted several analytical procedures and/or practices that may benefit from the following recommendations. These recommendations should not be considered requirements.

- 1) Waste compatibility tests should use consistent waste to reagent ratios.
- 2) Temperature evaluation for waste compatibility testing is not rigorous. Temperature may increase rapidly or may slowly rise over time; Ohio EPA suggests standardizing the length of time between mixing of reagent with waste and the subsequent temperature evaluation.
- 3) Temperature evaluation in compatibility testing is made by "feel"; basically, using touch to determine whether a reaction is occurring. Ohio EPA suggests standardizing/quantifying the evaluation by using a fast response thermocouple or an infra-red (IR) temperature probe.
- 4) It should be noted that when conducting TCLP testing for compliance purposes, a matrix spike must be analyzed in every batch of TCLP extract. Metals recovery should be 50% or greater; in the event recovery levels are below 50% and metal concentrations are within 20% of the regulatory level, Method of Standard Additions (SW-846 Method 1311, section 8.4.2) must be utilized.
- 5) Log book entries should be made for TCLP tumbling start and stop date(s) and times.
- 6) Log book entries should record TCLP extraction fluid pH as evaluated just before fluid is added to the tumbling container.
- 7) Log book should record pH buffer information.

Ohio EPA requests that WTI provide a response to each of the recommendations included above. This can be in the form of a letter or informally during a monthly meeting with Ohio EPA on-site inspectors.

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Ohio EPA requested clarification regarding the sampling of bulk liquid waste taken from a tanker using a coliwasa and observed during the September 28, 2009 inspection. In your December 23, 2009 letter, you included information that satisfied this request.

Regarding the action taken by WTI during the off-loading of bulk solid waste to the bulk solid waste storage tank, i.e., scanning the waste for prohibited materials; this step is not described in the facility's WAP. Ohio EPA suggested that WTI include language in the bulk solid waste sampling procedure (SOP) found in the WAP describing this step and the subsequent actions to be taken when prohibited materials are observed. In your letter, you state that WTI does not believe this review should be included in the WAP and result in a permit condition. Language currently exists in the WTI permit describing the visual inspection of waste in containers. Including this action in the procedure for sampling and off-loading bulk solid waste would not place undue hardship on the facility and would provide an extra measure of safety on the part of transferring waste to the bulk solid waste storage tanks. Ohio EPA is requesting that WTI reconsider including this action in the current SOP for off-loading bulk solid waste.

If you have any questions, do not hesitate to contact me, at the East Liverpool field office, (330) 385-8447; or Ms. Michelle Tarka, (330) 385-8421; or Mr. Frank Popotnik at the Northeast District Office, (330) 963-1198.

Sincerely,



for Patricia Natali, Environmental Specialist
Division of Hazardous Waste Management

PN:ddw

cc: Natalie Oryshkewych, DHWM, NEDO
Michelle Tarka, DHWM, NEDO
Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
William D'Amico, USEPA, Region V
Kristina Durnell, DHWM, CO
Marlene Kinney, DHWM, NEDO

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.