

**Environmental
Protection Agency**

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

August 10, 2012

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

RE: HERITAGE – WTI, INC. (WTI), LQG / TSD, OHD 980 613 541, COLUMBIANA COUNTY, APRIL 30TH 2012 NOV, RETURN TO COMPLIANCE

Dear Ms. Beringer:

On March 13, 2012, three employees of Heritage-WTI (WTI) were hospitalized following an exposure to chemicals (aniline) while processing waste.

As a result of the investigation into the incident on March 13, 2012, 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 the facility's State of Ohio Hazardous Waste Facility Installation and Operation Permit, were determined.

These violations were detailed in a Notice of Violation letter from Ohio EPA to WTI dated April 30, 2012. WTI responded with a letter dated May 22, 2012 which provided information on the actions taken to alleviate the violations.

The purpose of this letter is to document WTI's Return to Compliance as of May 22, 2012 for the violations noted in the letter from Ohio EPA dated April 30, 2012.

The following violations were noted:

1. Section F, Procedures to Prevent Hazards, of the facility's approved Part B permit application, F-4e

The use of specific PPE was required to be worn by employees while they were processing the waste. Employees were not wearing the PPE assigned for the task they were performing.

WTI was required to provide a written explanation of the measures that have been enacted to prevent a recurrence of this violation.

As detailed in the May 22, 2012 letter, WTI began revising internal mechanisms and procedures to prevent future incidents of this nature. WTI now requires a written Health and Safety Plan (HSP) and a Job Safety Analysis (JSA) for all projects for which the Field Services Group will be performing work. This HSP and JSA program replaces the program the Field Services Group followed prior to the March 13th incident.

2. Section H, Personnel Training, of the facility's approved Part B permit application, H-1a

Training records indicate the employees completed training as required by OAC 3745- 54-16. However, employees were not wearing required PPE despite completing initial training, annual refresher training, and attending pre-job safety meetings for specific tasks where upgraded PPE was assigned and described. This indicates that training was not effective, since duties were not performed in a way that ensured compliance with requirements of OAC 3745-54-16.

WTI was required to conduct retraining of personnel responsible for specific tasks, or oversight of tasks, similar to the waste processing activities that occurred on March 13, 2012. WTI was required to provide a description of the internal or procedural modifications that were made for the handling of this material, including changes to this profile as well as similar profiles, assignments of PPE, and any additional requirements made to similar work assignments. WTI was also required to provide a description of what will be done differently to ensure safe operations at the facility.

WTI's training records show that all employees involved in the incident had received and acknowledged receipt of proper training. However, since duties were not performed in a way that ensured compliance, WTI gave each employee and supervisor that were found not to be in the proper PPE, a written disciplinary notice to their file. The Field Services Manager participated in a 4-day job shadowing program that included discussion of corporate safety procedures and policies. The Field Services Group also took part in a thorough training session. The Group is also developing and revising department standard operating procedures as well as reviewing and acknowledging receipt of those procedures.

3. OAC 3745-54-15 General Inspection Requirements

The existing inspection program did not detect the lack of required PPE on Field Services employees who were performing waste processing activities.

WTI was requested to revise the BOP Daily/Weekly Inspection Form (BOP-1-D/BOP-1-W) to include inspection of issues related to waste processing activities in Bay 2, the External Truck Wash, North Storage Area, and Container Process Building. Ohio EPA suggested WTI develop a specific daily inspection form for the Field Services activities. In addition, WTI was requested to provide a description of the methods and procedures that have been revised or created to ensure safe operations at the facility.

WTI responded that the HSP and JSA programs as described in the May 22, 2012 letter and briefly described above are a more effective method than revision of the inspection form. The HSP and JSA also fulfill the request for an inspection specific to the Field Services activities.

RETURN TO COMPLIANCE:

Documentation of retraining was made available to Ohio EPA for review. WTI has abated the violations and returned to compliance as of May 22, 2012 with regard to these violations.

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

Sincerely,



Michelle Tarka
Environmental Specialist
Division of Materials and Waste Management

MT:ddw

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