



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

June 25, 2008

RE: HERITAGE – WTI, INC. (FORMERLY
VON ROLL AMERICA, INC.)
OHD 980 613 541 / 02-15- 0589
COLUMBIANA COUNTY
RESCIND VIOLATION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Mr. Peterka:

On February 7, 2008, Ohio EPA issued a Notice of Violation (NOV) to Heritage-WTI, Inc (WTI), formally Von Roll America, Inc. The NOV was based on documentation received from the Permittee regarding an incident that occurred on June 19, 2007, in Tank T-10 of the Organic Waste Tank Farm. Ohio EPA, East Liverpool on-site inspectors had met with WTI management on several occasions attempting to acquire sufficient information to make a determination. Based upon the information and documentation provided, Ohio EPA issued the NOV.

The violation was with regard to a permit condition included in Section C, Waste Characteristic and Waste Analysis Plan, of the Part B permit application and Ohio Revised Code (ORC) 3734.11(b); both of which are described below.

1. 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."

2. Permit Condition: I(A).3(i) Feed Rates for Waste and Metals

'The feed rates (for twelve metals) shall not be exceeded and shall be monitored and recorded on a continuous basis and in accordance with...this permit.'

WTI responded to Ohio EPA's NOV with a letter dated February 27, 2008. In this letter WTI alleged their actions did not constitute a violation of any terms and/or conditions of their permit. The February 27th letter also included documents not previously provided to the Agency. In addition, the Permittee explained and demonstrated a computer program in place that provides a buffer for all waste streams with regard to metal feeds.

In accordance with the computer program and with regard to the waste stream in question, the original waste stream/profile approved in 2001 contained chromium at concentrations of 60 ppm and carried a D007 waste code. In February 2002, the generator requested D007 be removed from the profile. The generator explained that, as a result of changes at the facility, contamination of chromium would no longer occur. The process was not changing, the facility switched from stainless steel to plastic piping. Consequently, WTI removed the code from the profile. However, the chromium concentration of 60 ppm in the waste stream was maintained in the facility's computerized tracking system. When the waste stream was received in October 2006, after a hiatus of several years, it was processed through the incineration system with a concentration of 60 ppm assigned to each feed lot.



HERITAGE-WTI, INC.
JUNE 25, 2008
PAGE 2 OF 2

In light of the new information provided, and a review of additional fingerprint analysis and daily metal feed reports for the waste stream, Ohio EPA agrees the facility did not violate Permit Condition I(A).3(i), Feed Rates for Waste and Metals or ORC Rule 3734.11(b). **Ohio EPA thereby rescinds the violation cited on February 7, 2008.**

If you have any questions, please contact me or Michelle Tarka 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
Michelle Tarka, DHWM, NEDO
Carrie Beringer, VRA
Tammy McConnell, DHWM, CO

ec: Natalie Oryshkewych, DHWM, NEDO
Harry Sarvis, DHWM, CO

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.