



Environmental  
Protection Agency

Ted Strickland, Governor  
Lee Fisher, Lt. Governor  
Chris Korleski, Director

**CERTIFIED MAIL**

August 12, 2010

Mary Hayworth  
Compliance Manager  
Heritage Transport, LLC  
1626 Research Way  
Indianapolis, IN 46231

Michael Wertz  
Program Manager, Corporate Compliance  
Heritage Environmental Services, LLC  
7901 West Morris St.  
Indianapolis, IN 46231

**RE: HERITAGE TRANSPORT LLC, IND058484114, NOTICE OF VIOLATION**

Dear Ms. Hayworth and Mr. Wertz:

On December 4, 2009, Heritage Environmental Services, LLC submitted a manifest discrepancy report for manifest number 000237879WAS. The discrepancy report identified the failure of Heritage Transport, LLC to deliver one, 55-gallon drum of hazardous waste flammable liquids to a permitted hazardous waste facility. For reference purposes, I have included a copy of the manifest discrepancy report.

Accordingly, Heritage Transport, LLC violated the following Ohio hazardous laws, as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC), since the transporter failed to deliver all hazardous waste to a permitted hazardous waste facility.

1. **ORC § 3734.02(F), Causing Hazardous Waste to be Transported to an Unpermitted Facility:** No person shall transport any hazardous waste identified or listed under this chapter and rules except to a facility operating under a hazardous waste facility installation and operation permit.
2. **ORC § 3734.15(B), Registration and Liability of Transporters and Acceptors of Hazardous Waste:** A registered transporter of hazardous waste shall be responsible for the safe delivery of any hazardous waste that he transports from such time as he obtains the waste until he delivers it to a treatment, storage, or

disposal facility specified in ORC§ 3734.02(F), as recorded on the manifest required under ORC § 3734.12(B). Any registered transporter who violates this chapter or any rule adopted under the chapter while transporting hazardous waste shall be liable for any damage or injury caused by the violation and for the costs of rectifying the violation and conditions caused by the violation.

- 3. OAC rule 3745-53-21(A)(1), Compliance with the Manifest:** The transporter must deliver the entire quantity of hazardous waste which he has accepted from a generator or transporter to the designated facility listed on the manifest.

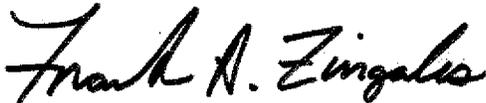
To demonstrate efforts towards abating these violations, please identify in writing the actions taken or proposed to prevent any further violations. Your response should include the dates, either actual or proposed, for completion of the actions.

The above violations must be immediately addressed and all of the above requested documentation must be submitted to my attention at the Ohio EPA within 30 days of receipt of this letter.

Present or past instances of non-compliance may continue as subjects of pending or future enforcement actions. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations.

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales  
Environmental Specialist  
Division of Hazardous Waste Management

FAZ:ddw

Enclosure

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

HERITAGE ENVIRONMENTAL SERVICES, LLC



7901 West Morris Street  
Indianapolis, IN 46231  
Phone: 317/243-0811  
Fax: 317/486-2852  
Internet: www.heritage-enviro.com

VIA CERTIFIED MAIL  
RETURN RECEIPT NO. 7006 3450 0003 0515 2959

December 4, 2009

Mr. Chris Korleski, Director  
Ohio EPA  
50 West Town Street, Suite 700  
Columbus, OH 43215

Re: Manifest Discrepancy for 000237879WAS

Dear Mr. Korleski:

The purpose of this letter is to provide a written notice of manifest discrepancy for Manifest #000237879WAS and to describe the efforts of Heritage Transport, LLC to determine the status of a single 55-gallon drum shipped under said manifest. A copy of the manifest is attached for reference.

Manifested containers of waste generated by Bendix Commercial Vehicle Systems, LLC ("Bendix") at their Elyria, Ohio facility, including a 55-gallon container of waste flammable liquids, were presented to Heritage Transport on November 5, 2009. The containers were transported from Bendix to Heritage Transport's 10-day transfer facility in Toledo, Ohio. At the Toledo 10-day transfer facility, the Bendix containers were consolidated with other containers and placed on Trailer #34-52. On November 11, Trailer #34-52 was transported to Heritage Transport's 10-day transfer facility in East Liverpool, Ohio. On November 19, Trailer #34-52 was presented to Heritage-WTI, Inc. in East Liverpool, the designated TSD. Heritage-WTI personnel state that the manifested container of waste flammable liquids from Bendix was not on the trailer load, although Manifest #000237879WAS and the other manifested containers from Bendix were present on the load.

A thorough search of the premises at Heritage Transport's ten-day transfer facilities in Toledo and East Liverpool has been conducted. The 55-gallon drum of waste flammable liquids was not found.

Thank you for your review of this information. If you have any questions or need additional information, please contact us at (317) 486-2778.

Yours truly,

HERITAGE ENVIRONMENTAL SERVICES, LLC

Handwritten signature of Michael Wertz in black ink.  
Michael Wertz  
Program Manager, Corporate Compliance



