



State of Ohio Environmental Protection Agency

Northeast District Office

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

September 16, 2009

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

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

Dear Mr. Peterka:

On August 6, 2009, Ohio EPA, Division of Hazardous Waste Management (DHWM) on-site inspectors received a telephone call from Ms. Carrie Beringer and Ms. Zambia Logero of Heritage-WTI, Inc. (WTI) to self-report a violation of Ohio's hazardous waste laws and permit conditions. Because WTI became aware of the violation on August 3, 2009, that date is considered the date of the non-compliance. The self-report date of August 6, 2009 is 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 July 7, 2009 Ohio EPA approved a bulk liquid waste stream for receipt and incineration at Heritage - WTI (WTI). The approval for this waste stream was granted by Ohio EPA under the "conditional approval program". Conditions applied to the profile included having WTI obtain a sample upon receipt, analyze the sample for both pre-acceptance parameters and fingerprint analysis, and analyze the sample within two weeks of the first occasion the waste stream was received at the facility. WTI is to review the analyses prior to incineration of the waste and provide the profile and analyses to Ohio EPA for removal of the conditions.

WTI utilizes the conditional approval program for containerized waste, but the program is not limited to containers. WTI received the conditionally approved bulk liquid waste stream at the facility. However, the computer programming checks that were already in place to ensure that pre-acceptance analysis is conducted on individual containers prior to incineration were not included into the bulk waste stream approval process at that time. As a result, WTI did collect a sample as required, but only fingerprint analysis was performed rather than both fingerprint and pre-acceptance analyses. The waste was then incinerated.

When WTI recognized the situation on August 3, 2009, personnel instituted similar computer programming checks for bulk waste that were already in the system for containerized waste. Those checks include a *P on the sample label, which flags the laboratory personnel to conduct pre-acceptance analyses. Another computer check in the system is that any *P waste stream is automatically placed on-hold upon receipt. This prevents the waste stream from being processed without the pre-acceptance analysis being conducted. In the event that either of

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these computer programming checks fail, a report is generated every Monday morning identifying waste streams in inventory that do not have pre-acceptance analyses completed.

VIOLATION

The Ohio EPA, DWHM found the following violation of permit conditions:

1. OAC 3745-54-13(A)(1), which states: Before an owner/operator treats, stores, or disposes of any hazardous wastes, he must obtain a detailed chemical and physical analysis of a representative sample of the wastes.

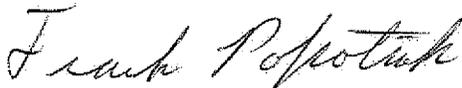
Permit Condition B.3(b), which states: The Permittee shall follow the procedures described in the approved waste analysis plan found in Section C of the approved Part B permit application and the terms and conditions of this permit.

RETURN TO COMPLIANCE

WTI abated the violation and returned to compliance with regard to this NOV by instituting the same computer programming checks for bulk waste that were already in the system for containerized waste.

Should you have any questions, please call me at (330) 385-8421 or Patricia Natali at (330) 385-8447. You can find copies of the laws and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



for Michelle Tarka
Division of Hazardous Waste Management

MT:cl

cc: Frank Popotnik, DHWM, NEDO
Patricia Natali, DHWM, NEDO
Carrie Beringer, Heritage-WTI, Inc.

ec: Natalie Oryshkewych, DHWM, NEDO
John Nyers, DHWM, CO
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.