



State of Ohio Environmental Protection Agency

Northeast District Office

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Lee Fisher, Lieutenant Governor
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April 6, 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:

Ohio EPA is in receipt of your letter dated March 4, 2010 responding to our February 16, 2010 partial return to compliance for the notice of violation (NOV) dated November 24, 2009.

As noted in the November 24, 2009 letter, WTI abated the situation with respect to violation 2 listed in the NOV. In your March 4, 2010 letter, you provided information necessary to determine a return to compliance for violation 3; i.e., WTI ordered labels to be placed on sample containers that do not have pre-printed sample labels. During the March 18, 2010 monthly meeting, Ohio EPA received WTI's response to comments and recommendations in the NOV. Ohio EPA appreciates WTI's willingness to implement the recommendations and believes these changes will result in improved operations in the laboratory. We will evaluate the changes during the next compliance evaluation inspection (CEI) scheduled for spring 2010.

The last issue to be resolved involves WTI's sampling procedures for bulk solid waste received in large containers such as roll-off boxes and 40 cubic yard (CY) end dump trailers. WTI contends the violation cited by Ohio EPA, i.e., Rule 3745-54-13(B)(3) of the Ohio Administrative Code and Permit Condition B.3.(b): General Waste Analysis Plan is not justified. WTI believes their technician sampled the 40 CY end dump trailer in accordance with Section C, Waste Characteristics and Waste Analysis Plan (WAP) of the Part B permit application.

What has become apparent is that the language in the WAP and the facility's standard operating procedure (SOP) is not adequate or clear with regard to obtaining a representative sample of heterogeneous material in a large container. Standard operating procedure, TTU-210: Sampling of Bulk Solid Containers Destined for the Bulk Pits, instructs the technician to "Obtain about a one quart representative sample of the

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waste stream". The SOP does not reference the WAP or include any details as to how a representative sample should be obtained.

With regard to the WAP, Page C-114, Table C – Number of Samples to be Collected does not include a category under "Heterogeneous Material" that applies to large containers of bulk solid waste such as roll-offs and 40 CY end dump trailers. There is a category under "Homogeneous Material" that includes large containers (dump truck, roll off, 40 CY) which are to be sampled by collecting six fixed samples approximately every three feet and two random samples that are then composited. But WTI contends this does not apply to heterogeneous materials.

Ohio EPA is requesting WTI submit clarifying language addressing the sampling of heterogeneous material in large containers such as roll-offs and 40 CY end dump trailers. Upon agreement between WTI and Ohio EPA, WTI will be required to submit the clarifying language to update the WAP (and the SOP) in the form of a permit modification.

Points for WTI to consider and include:

1. To obtain a representative sample of a large heterogeneous load contained in a roll-off or 40 CY end dump trailer, it is necessary to sample the waste at various depths. Although mid-depth within the container and near the bottom of the load would be ideal, Ohio EPA recognizes the safety issues associated with this activity.

Obtaining a sample from a depth that could be reached with an arm, or a tool, e.g., a rake or hoe could be considered. WTI could also explore the utility of an auger to obtain samples at depth.

2. Collecting a greater volume of waste may also provide a more representative sample of the waste stream.

This could be achieved by collecting multiple samples using a grid pattern, collecting from various depths, and compositing the sample in a bucket. The waste would require some type of mixing and then a sample collected to be analyzed. If a quart container is used to collect the sample, the container should be completely filled with as much waste as possible.

3. Two documents Ohio EPA recommends for developing a procedure for collecting a representative sample from a large heterogeneous load are:

- (1) ASTM D5956-96(2006), Standard Guide for Sampling Strategies for Heterogeneous Wastes; and

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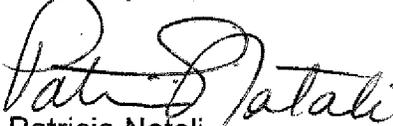
- (2) RCRA Waste Sampling draft Technical Guidance (EPA530-D-02-002, August 2002).

Return to Compliance:

In order to return to compliance with respect to violation 1, Ohio EPA requests WTI submit clarifying language within thirty (30) days of the date of this letter. The submittal can be in the form of a letter or e-mail. Once agreement of the language is reached, WTI should submit a permit modification to revise the WAP within 30 days of the agreement. Because the revision to the WAP would be administrative in nature, a class 1 permit modification will be appropriate.

If you have any questions, do not hesitate to contact me at the Northeast District Office, (330) 963-1279; or Mr. Frank Popotnik, (330) 963-1198.

Sincerely,



Patricia Natali
Environmental Specialist
Division of Hazardous Waste Management

PN:cl

cc: Natalie Oryshkewych, DHWM, NEDO
Frank Popotnik, DHWM, NEDO

Michelle Tarka, DHWM, NEDO
Kristina Durnell, DHWM, CO

ec: Marlene Kinney, 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.

