



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
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October 5, 2009

RE: HERITAGE-WTI, INC.
LARGE QUANTITY GENERATOR
OHD 980 613 541
COLUMBIANA COUNTY/NEDO
RTC

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

Dear Mr. Peterka:

This letter is in response to your July 15, 2009 letter; i.e., Heritage - WTI, Inc's response to Ohio EPA's June 16, 2009, Notice of Violation (NOV). Upon review of the information provided, Ohio EPA has determined Heritage - WTI, Inc. (WTI) is in compliance with the Ohio Administrative Code (OAC) and their Ohio Hazardous Waste Facility Installation and Operation/RCRA permit. This compliance is contingent upon the Permittee not feeding bulk solid waste to the Incineration System using the clamshell bucket at times when the load cell feeding mechanism is inoperable or operating poorly.

Letter Citation #
Rule Citation

1. OAC Rule 3745-57-45(A) and Permit Condition I(A).3, Construction, Instrumentation, and Operational Performance Requirements

GENERAL COMMENTS

As you are aware, the violation cited in the June 16, 2009 letter was the result of an investigation into allegations made in an anonymous letter to the Ohio EPA, dated March 18, 2009. The allegations focused on unauthorized operations with respect to the facility's bulk solid feed system. Specifically, that WTI would continue to feed bulk solids during periods when the load cells, used to measure the weight of each clamshell bucket load, were inoperable or operating poorly.

In your response (page 2) to the Ohio EPA's NOV, you state, "... WTI believes there was no violation of" conditions in the permit. Ohio EPA does not share your opinion. Section D, Process Description, of the Part B permit application describes processes and procedures in the management of hazardous waste including thermal treatment of the waste through the Incineration System. The language in Section D describes, for example, the receiving, sampling, processing, staging, and storage areas; as well as the incinerator and ancillary units such as air pollution control units and feed systems. The term Incineration System is used to encompass all equipment and operating parameters necessary for the combustion of waste within the permit limits; this does include the bulk solid feed system.

Language in Section D-5, Incinerator, D-5c(2) Detailed Engineering Description of the Incinerator, D-5c(2)(a)(2) Bulk Solids Feed System, specifically states "A load cell.... measures the weight of each feed cycle. This information is entered into.... and used for monitoring compliance with permit feed limits." According to the WTI permit, load cells are the approved mechanism for weighing bulk solid loads to the incinerator and are integral to monitoring compliance with permit feed limits.

HERITAGE-WTI, INC.
OCTOBER 5, 2009
PAGE - 2 -

WTI is correct (Page 2 of your response); there is no prohibition in the regulations to select another mechanism to record bulk solid waste weights. However, use of an alternate method would require a permit modification in order for the Ohio EPA to evaluate the accuracy and precision of the proposed weighing mechanism/procedure. If a permit modification request for an alternative monitoring proposal is received, it will be evaluated by Ohio EPA to determine if it is acceptable; a performance test may be required during the evaluation.

To reiterate, WTI is not in compliance with their permit when an unapproved, alternative monitoring system such as the manual system described in your response is used in lieu of the approved method using the load cells. Further, if WTI pursues an alternative monitoring method in lieu of the clamshell bucket/load cells, the permit modification procedure should be followed, beginning with a permit modification classification determination.

Ohio EPA is requesting WTI provide a copy of the SOP developed for the operation of the bulk solid waste clamshell bucket/load cell feeding mechanism/procedure.

If you should have any questions, please feel free to contact me or Michelle Tarka at the Ohio EPA field office, (330) 385-8447, or Frank Popotnik at the Northeast District Office, (330) 963-1198.

Sincerely,



for Patricia Natali
Environmental Specialist
Division of Hazardous Waste Management

PN:ddw

cc: Frank Popotnik, DHWM, NEDO
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Keywords: RTC, load cells, metal feed limits