



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
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March 22, 2010

Ms. Carrie Beringer
Heritage - WTI, Inc.
1250 Saint George Street
East Liverpool, OH 43920

**RE: HERITAGE - WTI, INC., RETURN TO COMPLIANCE - SPRING 2009 CEI
OHD 980 613 541 / OHIO ID# 02-15-0589, COLUMBIANA COUNTY**

Dear Ms. Beringer:

On April 13 through April 22, 2009, the Ohio Environmental Protection Agency (Ohio EPA) conducted a semi-annual compliance evaluation inspection (CEI) of the Heritage - WTI, (WTI) Inc. facility in East Liverpool, Ohio. An additional interview was conducted on May 12, 2009 to further discuss concern #1.

As a result of the CEI, a Notice of Violation (NOV) letter dated June 9, 2009, was issued from Ohio EPA to WTI. WTI responded to the NOV with a letter dated July 8, 2009. Additional information was obtained during follow-up conversations and subsequent inspections. This letter is in response to WTI's letter dated July 8, 2009 and serves as a Return To Compliance (RTC) for the Violations cited. **The RTC date for items 1a), 1b), 1c), and 1d) is July 9, 2009.**

The following includes excerpts of the violations and concerns and Ohio EPA's final response in bold print.

Violations:

1. Permit Condition B.3(b) General Waste Analysis Plan: 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. During Ohio EPA review of the on-site laboratory, there were four issues that were found with regard to laboratory procedures. These issues are described in previous correspondence. WTI's response dated July 8, 2009 concerning items a) and b) is considered adequate.

WTI indicated in their response letter dated July 9, 2009, that they were resolving items c) and d) by revising a Standard Operating Procedure (SOP) to include a daily review of standards, with WTI reserving the right to adjust the review to a weekly basis at their discretion.

Upon further discussions with Ohio EPA personnel, WTI revised the SOP to indicate lab standards would be inspected on a weekly basis at minimum (SOPLABOP-180, section 7.2.2). Ohio EPA verified on March 22, 2010 that inspections of standards are currently being conducted on a daily basis rather than a weekly basis. Since this is a more stringent standard than the SOP requires, Ohio EPA is satisfied with the SOP and inspection schedule for lab standards at this time. Ohio EPA previously provided comments on the SOP to WTI. The RTC date for items 1a), 1b), 1c), and 1d) is July 9, 2009.

2. Permit Condition C.5 Management of Containers: All container storage shall be conducted within the container storage units as described in Condition C.1. of the permit and Section D of the approved Part B permit application.

During the walkthrough, a bucket hoist box (box #9) was observed in Brass Alley with two small bottles of hazardous waste remaining in the box. Brass Alley is an area not permitted for hazardous waste management or storage. WTI personnel removed the bottles shortly after discovery, thus abating the violation immediately. Ohio EPA requested the SOP for utilizing the Bucket Hoist be revised to include language regarding boxes being completely empty (all waste removed), and cleaned or rinsed if necessary, prior to placement in any A areas (not in containment).

WTI responded by submitting a permit modification dated July 24, 2009 to revise the BOP Daily/Weekly Inspection Form to include additional inspection items for the Bucket Hoist (Section T on the form). The permit modification was approved by Ohio EPA on September 3, 2009. It was verified on March 22, 2010 that this inspection form is being utilized on a daily basis. This item was abated immediately by WTI personnel during the CEI.

General Concerns:

3. Fiber Drum and Black Pail - During the walkthrough, a plastic pail was observed directly outside and north of Bay 1 (E Bay) of the Tanker Unloading Building. The black pail contained approximately 3 inches of what appeared to be clear, thin oil. The pail was not labeled and there was no lid. It was determined the oil was utilized to fill equipment during processing activities. WTI personnel responsible for processing activities had neglected to return the oil to the original container upon completion of activities. During the investigation it was determined the pail had been there for three days prior to Ohio EPA's observation during the CEI.

Ohio EPA requested WTI add a section to the BOP Daily/Weekly Inspection Form, (L) Bulk Liquid Unloading Building and East Bay, to include an inspection of the area directly outside of the bays.

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WTI submitted a modification dated July 24, 2009 that included this revision. Ohio EPA acknowledged this modification by letter dated September 3, 2009. Ohio EPA has not observed this issue within the past 11 months.

4. Container in Warehouse without a WTI label - During the walkthrough, a drum without a WTI label was observed on the top rack of a bin in the container storage warehouse. The situation was investigated and it was determined that the container had been received, weighed, and labeled correctly upon arrival. This information was accessed via the original generator's label, the pallet number, and subsequent WTI computer records. It appears that the label may not have adhered properly to the container. The container was re-labeled and returned to storage.

No response was required of WTI for this comment.

Should you have any questions, please contact me at the Ohio EPA field office in East Liverpool at (330) 385-8421.

Sincerely,



for Michelle Tarka
Environmental Specialist
Division of Hazardous Waste Management

MT:ddw

cc: Frank Popotnik, DHWM, NEDO
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