

Environmental
Protection Agency

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

May 25, 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
RETURN TO COMPLIANCE**

Dear Ms. Beringer:

The Ohio Environmental Protection Agency (Ohio EPA) is in receipt of your letter dated May 4, 2010 providing additional information with regard to the notice of violation (NOV) cited by Ohio EPA, Division of Hazardous Waste Management on November 24, 2009. Three violations were observed on September 28, 2009 during a compliance evaluation inspection of the Heritage - WTI, (WTI) Inc., facility in East Liverpool, Ohio.

In a letter dated February 16, 2010, Ohio EPA notified WTI they were in compliance with respect to violation 2: OAC rule 3745-270-07(A)(1) and permit condition B.3.(b).

In a letter dated March 4, 2010, WTI provided information to abate violation 3: OAC rule 3745-54-13(B) and permit condition A.12.(b). WTI reported that labels are now being printed for all sample containers including required information such as: (1) Waste Name, (2) Tank or Container ID, (3) Date and Time, and (4) Initials of the person taking the sample. Essential personnel have been trained and instructed regarding the use of the labels. And, as long as they adhere to the required labeling procedure, WTI has abated violation, #3 as listed in the November 24, 2009 NOV. No further action required.

WTI provided a response to comments and recommendations made during the compliance evaluation inspection (CEI) to Ohio EPA at the March monthly meeting held March 18, 2010. The response adequately addressed the issues.

WTI provided information to the Ohio EPA in a letter dated May 4, 2010 regarding violation 1: OAC rule 3745-54-13(B)(3) and permit condition B.3.(b). The information reiterated the difference of interpretation of the criteria and procedures as listed in Section C, Waste Characteristic and Waste Analysis Plan (WAP), in the facility's Part B permit with regard to sampling a heterogeneous (non-homogeneous) bulk solid waste stream. However, new information was provided by WTI, which described the waste sampling observed during Ohio EPA's inspection as fingerprint sampling of miscellaneous special waste (MSW). Fingerprint sampling ensures that the waste shipped matched the overall waste identity as designated on the manifest and pre-acceptance paperwork (pre-acceptance analytical and profile). As WTI asserts, the information needed from the fingerprint analysis is not as extensive as the information needed from the characterization (pre-acceptance) sample.

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According to the facility's WAP, MSW material/waste cannot be representatively sampled because it consists of debris and personal protective equipment that are impractical to sample; that is, obtaining accurate and representative samples for analysis is difficult. The facility may choose to conduct sampling for supplemental analyses which are not required to be run as part of the pre-acceptance or fingerprint analyses. WTI routinely samples MSW material/waste to provide additional information to be used in the operation of the incinerator. Consequently, WTI was not required to sample and therefore was in compliance with their WAP during the September 28, 2009 inspection.

WTI has requested that violation 1: OAC rule 3745-54-13(B)(3) and permit condition B.3.(b) be rescinded. Ohio EPA hereby notifies WTI that, based upon the information provided, the violation has been rescinded.

Due to the confusing nature of the WAP with regard to the sampling of heterogeneous (non-homogeneous) bulk solid material/waste, WTI has agreed to modify Section C, Waste Characteristic and Waste Analysis Plan. Please submit the new language in accordance with the permit modification procedure as outlined in OAC rule 3745-50-51.

If you have any questions, do not hesitate to contact me at the Northeast District Office, (330) 963-1279; or Ms. Michelle Tarka, (330) 385-8421; or Mr. Frank Popotnik at the Northeast District Office, (330) 963-1198.

Sincerely,

for 

Patricia Natali
Environmental Specialist
Division of Hazardous Waste Management

PN/cl

cc: Michelle Tarka, DHWM, NEDO
Frank Popotnik, DHWM, NEDO

William D'Amico, USEPA, Region V

ec: Natalie Oryshkewych, DHWM, NEDO
Harry Sarvis, DHWM, CO
Erik Hagen, DHWM, CO

Marlene Kinney, DHWM, NEDO
Kristina Durnell, DHWM, CO
Eric Schultz, 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.