



State of Ohio Environmental Protection Agency

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August 11, 2008

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

**RE: HERITAGE - WTI, COLUMBIANA COUNTY, OHD 980 613 541
HWFB # 02-15-0589, APRIL/MAY 2007 COMPLIANCE EVALUATION INSPECTION,
RETURN TO COMPLIANCE**

Dear Mr. Peterka:

On April 23, 24, 25, and 27, 2007, the Ohio Environmental Protection Agency (Ohio EPA) conducted a semi-annual compliance evaluation inspection (CEI) of the Heritage - WTI (WTI) facility in East Liverpool, Ohio. Follow-up meetings were held between Ohio EPA and WTI personnel on May 2 and 3, 2007 to continue discussions. As a result of the CEI, a Notice of Violation (NOV) letter dated June 26, 2007, was issued from Ohio EPA to WTI. **Both violations were abated at the time of the CEI.** WTI responded to the NOV with a letter dated July 26, 2007. Additional information was obtained during follow-up conversations and subsequent site evaluations. This letter is in response to WTI's letter dated July 26, 2007 and serves as an additional Return To Compliance (RTC) for the two violations cited. The following includes excerpts of the violations and concerns and Ohio EPA's final response in bold print.

VIOLATIONS:

1. **OAC Rule 3745-55-77(C) - Special Requirements for Incompatible Waste:** Inspectors observed an incompatible container incorrectly stored among flammable waste (#630454 in bin 128) on April 23, 2007. The container of oxidizer waste had been incorrectly labeled as flammable, and placed into storage with flammable waste. Once WTI discovered that the container held oxidizer waste, a new label was generated and placed on the container.

However, WTI did not immediately move the container to an appropriate location. An Ohio EPA inspector observed the container improperly located with incompatible waste during the CEI and requested that the container be moved. The container was moved on April 25, 2007. As such, this violation was abated during the CEI.

2. **OAC Rule 3745-54-15(D), General Inspection Requirements:** The owner or operator must record inspections in an inspection log or summary. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions. During review of the inspection records, it was noted that several inspection forms were not fully completed. The issue of incomplete inspection forms was mentioned as a concern during previous CEIs. WTI must continue to minimize occurrences where inspection forms are not completed in entirety.

In WTI's response, a reference was made to a bent upright fence pole. WTI also requested that Ohio EPA rescind this violation. Ohio EPA is unsure why this information is provided, as a bent upright fence pole was not part of the basis for the NOV and there is no relevance of the post to the violation. As such, Ohio EPA has not rescinded this NOV. This violation was considered abated at the time of the CEI.

GENERAL COMMENTS:

1. **Waste identification issues:** Four bottles of arsenic trioxide waste were observed in the Lab Pack Building, under the hood, without a label or identifying information. A bottle of mercury trioxide was also observed in the same location, with a profile number but no label or other identifying information. After investigation, it was determined that the bottles had been removed from lab pack containers and set aside to manage separately. However, sufficient identifying information was not provided with these containers at the time they were placed in the hood. Although lab pack personnel were aware of the waste type and other relevant information, Ohio EPA was concerned the waste labeling and/or identification was not readily available for other personnel including Ohio EPA.

WTI has addressed this issue sufficiently. A log for discrepant/problem lab packs was developed and has been utilized for over a year. Ohio EPA has not observed unidentified containers since this incident and has been able to review the log.

2. **North Wall of the Container Processing Building:** In the Container Processing Building, portions of the North Wall are utilized as staging areas for containers that require attention prior to incineration, such as splitting, re-labeling, resolving discrepancies, or processing by an alternate method. Ohio EPA had noticed a few issues with the containers placed along the North Wall.

WTI has not written a new SOP nor modified an existing SOP to address containers along the North Wall. However, WTI has posted signage in specific areas designating permitted staging times. WTI also has included information (log) sheets to be filled out at the time the container is placed along the wall. Ohio EPA continues to monitor the North Wall during periodic walk-around inspections, as well as during CEIs.

3. **Leaking slag boxes:** Ohio EPA expressed concern regarding slag boxes leaking liquid from the back end while being filled with slag at the slag conveyor. Slag boxes from a particular manufacturer are difficult to seal completely to prevent leakage. The slag conveyor and slag boxes are located in areas with secondary containment. However, these boxes continue to be utilized by WTI on a regular basis, resulting in leaks while on-site.

WTI's response indicated that the boxes observed to be leaking were part of a rental fleet that WTI discontinued utilizing. Ohio EPA will continue to monitor boxes of treatment residual (slag) during periodic walk-around inspections, as well as during CEIs.

4. **Concrete maintenance program:** WTI has committed to an ongoing concrete maintenance program designed to maintain the sealant in the expansion joints between concrete pads and in any surface cracks in concrete within the facility.

WTI conducted concrete maintenance during 2007 and 2008. The 2007 list of maintenance activities is considered completed and closed. WTI and Ohio EPA conducted a concrete inspection in June 2008 to develop a new list of areas to address during ongoing concrete maintenance activities. An inspection form has not been developed since an actual inspection and the existing work-order system are utilized. Ohio EPA will continue to work with WTI on an on-going basis to maintain concrete integrity throughout the facility.

5. **Fire Insulation:** The fire insulation had been removed from a vertical support beam (to add another support beam) by the steps leading up to the Queuing Lane Tunnel. The fire insulation has been replaced at this location since the inspection. WTI indicated other locations throughout the facility would be evaluated to determine if any replacement or repairs to the fire insulation were necessary.

WTI provided information regarding the work completed on the fire insulation during 2007 (as of the date of WTI's response to the CEI letter). Additional repairs to fire insulation have been conducted as needed. Ohio EPA has not observed an issue with the fire insulation since this CEI. This comment has been adequately addressed.

6. **Housekeeping issues:** During the inspection, numerous issues were noted related to housekeeping. While none of these issues were individually of great concern, the large number of housekeeping issues observed indicates that better practices could be instituted by the facility.

WTI addressed most of these issues at the time of the inspection or shortly thereafter. WTI currently conducts general housekeeping inspections to address these types of issues. Although Ohio EPA has noticed an improvement in housekeeping within the facility, WTI must be diligent in their efforts to remind employees and contractors of the importance of their actions in keeping the facility clean.

If you have any questions, please contact me at the Ohio EPA field office in East Liverpool at (330)385-8421 or at the Northeast District Office at (330) 963-1234.

Sincerely,


Michelle Tarka
Environmental Specialist
Division of Hazardous Waste Management

MT:ddw

cc: Frank Popotnik, DHWM, NEDO
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