



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
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August 5, 2008

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

RE: HERITAGE - WTI, INC., COLUMBIANA COUNTY, OHD 980 613 541/OHIO ID# 02-15-0589, RCRA LQG/TSD INSPECTION, NOTICE OF COMPLIANCE

Dear Mr. Peterka:

On May 12 through May 15, 2008, 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. As a result of the CEI, a Notice of Violation (NOV) letter dated June 25, 2008, was issued from Ohio EPA to WTI. WTI responded by letter dated July 25, 2008. Please refer to that letter for additional information regarding WTI's responses to the issues described in Ohio EPA's June 25, 2008 letter.

This letter is in response WTI's letter dated July 25, 2008, and serves as an additional Return to Compliance (RTC) for the violation cited and abated during the CEI. The following includes excerpts of the violation and concerns/comments and Ohio EPA's final response in bold print.

Violation:

1. Permit Condition G-5 Emergency Equipment - As part of the CEI, the list of emergency equipment described in Table G.4 was compared to items located throughout the facility. During the inspection, Ohio EPA observed that several items (shovels, flashlights) had been removed and not replaced, i.e., the quantity at the location did not match the quantity listed in Table G.4. In addition, sand, listed as an item, had been stocked with an equivalent absorbent and the list had not been modified to reflect the change. WTI replaced the missing items during the CEI, **thereby abating the permit violation.**

WTI indicated that a permit modification will be submitted to better reflect the requirements of OAC 3745-54-52(E). OAC Rule 3745-54-52(E) requires a list of emergency equipment be included in the Contingency Plan, the location of the equipment, a physical description of each item on the list, and a brief outline of its capabilities. Ohio EPA will follow up with WTI personnel regarding the timely submission of this permit modification.

General Concerns:

1. Manifest Review - During Ohio EPA review of manifests, a few issues were found with regard to WTI outgoing hazardous waste. WTI is aware of the requirements to track the status of hazardous waste shipments and submit exception reports if necessary. In order for WTI to track waste and submit exception reports when necessary, dates and signatures by both, transporters and receiving facilities, (as well as the generator) must be clearly written.

This comment has been adequately addressed by WTI. Ohio EPA will continue reviewing manifests on a regular basis.

2. Rack issues in container storage warehouse (Warehouse) and Container Holding Building (Slag Canopy) - The racks used for waste storage in these two areas are in need of inspection and evaluation to ensure all racks/bins have the appropriate number of horizontal bars to fully support the pallets of waste. Three bars appear to be the intended number in the Warehouse so that pallets of waste are secure and level. Two bars are generally found in each bin within the Slag Canopy where larger containers are usually stored. Ohio EPA noticed that some bins (in both locations) are either missing a bar, or the bars are not spaced correctly, e.g., too far apart.

This comment has been adequately addressed by WTI. Ohio EPA will follow up with WTI on the delivery of parts and repairs to the racks, as well as continue to evaluate rack conditions on a regular basis.

3. Repair schedule for Tank W-5 - Ohio EPA reviewed inspection/evaluations of tank corrosion testing conducted on WTI tanks during the fall of 2007 by an outside contractor. During the testing event, data indicated Tank W-5 had metal loss in course 3/plate 3, greater than 1/8 inch. In addition, we would appreciate a repair schedule for the upper portion of the facility's caustic tank, which is not regulated by Ohio EPA.

This comment has been adequately addressed by WTI. As of the date of this letter, WTI has begun the clean-out of Tank W-5 in preparation for repair of the tank plate. Ohio EPA will follow up with WTI on the repairs to Tank W-5 and the results of thickness testing on the Caustic Tank.

4. Concrete Maintenance - The issue of concrete maintenance was discussed during the fall 2007 CEI, and as a response to that letter, WTI provided an outline of proposed actions, a list of areas to be repaired, and a timeline for activities through spring of 2008. Ohio EPA has observed WTI conducting concrete maintenance activities, including curb repair, expansion joint replacement, and crack repair in accordance with their proposal. WTI is also planning the reapplication of surface sealant in certain areas of the facility.

This comment has been adequately addressed by WTI. Ohio EPA and WTI conducted an inspection of the concrete in June 2008 to evaluate their status with their 2007-2008 proposal. As a result of the June 2008 inspection, a new list for 2008-2009 was developed. Ohio EPA will continue to follow the on-going progress of WTI's concrete maintenance program.

Comments:

1. Laboratory - The laboratory was evaluated to determine if issues observed during the fall 2007 CEI had been addressed. It appears all issues had been corrected and/or addressed as requested. **No response was requested by Ohio EPA for this comment.**

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2. Procedure for Testing Oxidizers - In the Direct Drum area, a field test to screen for oxidizers is conducted prior to waste being processed in accordance with Standard Operating Procedures. WTI is evaluating whether the oxidizer field test can be documented in some additional manner, such as in a logbook or computer. **No response was requested by Ohio EPA for this comment. Ohio EPA will follow up with WTI on the status of this comment during the next monthly meeting.**

Should you have any questions, please contact me at the East Liverpool Field Office at (330) 385-8421. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



for Michelle Tarka
Environmental Specialist
Division of Hazardous Waste Management

MT:ddw

cc: Frank Popotnik, DHWM, NEDO
Patricia Natali, DHWM, NEDO
Carrie Beringer, Heritage-WTI, Inc.
ec: Harry Sarvis, DHWM, CO
Kristina Durnell, DHWM, CO
William D'Amico, US EPA, Region V

