



**Environmental  
Protection Agency**

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

August 3, 2010

RE: HERITAGE - WTI, INC. (WTI)  
FACILITY ID 0215020233  
DAPC NOTICE OF VIOLATION

**CERTIFIED MAIL**

John Peterka, President  
Heritage-WTI, Inc. (WTI)  
1250 St. George Street  
East Liverpool OH 43920

Dear Mr. Peterka:

After review of your Excess Emissions Report for the second quarter of 2010 (April 1 – June 30), we find Heritage-WTI violated short-term emission permit limitations for sulfur dioxide, nitrogen oxides, and total hydrocarbons as measured by the Continuous Emission Monitors (CEMs). WTI also failed to report a malfunction that caused an exceedence of the opacity standard. Any violation of a term and condition of any permit issued by Ohio EPA is also a violation of Ohio Revised Code (ORC) 3704.05(J)(2).

**Sulfur dioxide (SO<sub>2</sub>):**

Part III. A.I.1 of PTI 02-18743, effective on March 22, 2007, and Section C.5.b)(1)a of the current Title V permit provide a SO<sub>2</sub> limit of 11.34 lbs/hr.

During the 2<sup>nd</sup> quarter of 2010, there were 1,507 minutes when the SO<sub>2</sub> reading, as measured by the SO<sub>2</sub> CEM, was over the limit of 11.34 lbs/hr.

**Nitrogen Oxides (NOx):**

Part III. A.I.1 of PTI 02-18743, effective on March 22, 2007, and Section C.5.b)(1)a of the current Title V permit provide a NOx limit of 28.36 lbs/hr.

During the 2<sup>nd</sup> quarter of 2010, there were 1,190 minutes when the NOx reading, as measured by the NOx CEM, was over the limit of 28.36 lbs/hr.

JOHN PETERKA, PRESIDENT  
AUGUST 3, 2010  
PAGE 2

**Total Hydrocarbons:**

Part III. A.I.1 of PTI 02-18743, Section C.5.b)(2)f of the current Title V permit, and 40 CFR 63.1219(a)(5) provide a THC limit of 10 ppm by volume, over an hourly rolling average, dry basis and corrected to 7 percent oxygen.

Ohio EPA recently received clarification from U.S. EPA on how to interpret paragraph (b)(1)(i) under 40 CFR §63.1206. In summary, an exceedence of the THC standard due to a malfunction is not a violation of the standard, irrespective of whether hazardous waste is in the combustion chamber. THC exceedences caused by operator errors are violations of the standard.

During the 2<sup>nd</sup> quarter of 2010, there were 976 minutes of THC exceedences caused by operator errors when hazardous waste was in the combustion chamber. These exceedences were also previously reported to the Ohio EPA as required by 40 CFR 63.1206(c)(3)(vi).

**Opacity:**

Part III. A.I.1 of PTI 02-18743, effective on March 22, 2007, and Section C.5.b)(1)a of the current Title V permit provide an opacity limit of 20% as a 6-minute average, except as provided by rule. OAC rules 3745-17-07(A)(2) & (3) provide the exemptions.

During the 2<sup>nd</sup> quarter of 2010, there was an exceedence of the opacity standard for 6 minutes due to a malfunction of the plume suppression system on June 7, 2010. According to OAC rule 3745-17-07(A)(3)(c), a malfunction exempts you from the visible particulate emission limitation if a report is made to the Ohio EPA according to OAC rule 3745-15-06(B)(1). No such report was provided to Ohio EPA. Therefore, the exemption provided in OAC rule 3745-17-07(A)(3) cannot be applied to the 6-minute opacity exceedence on June 7, 2010.

Please be certain to report future malfunctions that cause opacity violations to the Ohio EPA, as required by OAC 3745-15-06(B)(1).

**Summary:**

Please continue your efforts to reduce, and eventually eliminate, the exceedences of the short-term permit emissions limitations.

The issuance of this notice does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. The determination to pursue or decline such penalties in this case will be made by the Ohio EPA at a later date. This notice does not excuse any violations of federal, state and local laws or regulations regarding air pollution control.

JOHN PETERKA, PRESIDENT  
AUGUST 3, 2010  
PAGE 2

Should you have any questions, please contact me at (330) 963-1237 or at [pam.korenewych@epa.state.oh.us](mailto:pam.korenewych@epa.state.oh.us).

Sincerely,



Pamela L. Korenewych  
Environmental Specialist  
Division of Air Pollution Control

PLK:bo

ec: Ed Fasko, DAPC, NEDO  
Misty Koletich, DAPC, NEDO  
Natalie Oryshkewych, DHWM, NEDO  
Frank Popotnik, DHWM, NEDO  
Michelle Tarka, DHWM, East Liverpool Field Office

pc: Tim Fischer, DAPC, NEDO  
Tom Kalman, DAPC, CO  
Todd Brown, DAPC, CO  
Lisa Holscher, U.S. EPA  
Charlie Hall, U.S. EPA  
Vince Waggle, Heritage-WTI, Inc.