



**Environmental
Protection Agency**

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

November 23, 2010

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

CERTIFIED MAIL

Frank Murray
Vice President and General Manager
Heritage-WTI, Inc. (WTI)
1250 St. George Street
East Liverpool, OH 43920

Dear Mr. Murray:

After review of your Excess Emissions Report for the third quarter of 2010 (July 1 – September 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). 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 (SO₂):

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 SO₂ limit of 11.34 lbs/hr.

During the 3rd quarter of 2010, there were 158 minutes when the SO₂ reading, as measured by the SO₂ CEM, was over the limit of 11.34 lbs/hr.

Nitrogen Oxides (NO_x):

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 NO_x limit of 28.36 lbs/hr.

During the 3rd quarter of 2010, there were 46 minutes when the NO_x reading, as measured by the NO_x CEM, was over the limit of 28.36 lbs/hr.

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.

FRANK MURRAY
NOVEMBER 23, 2010
PAGE 2

During the 3rd quarter of 2010, there were 798 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).

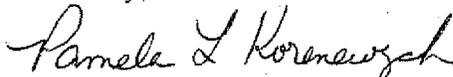
Summary:

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.

Should you have any questions, please contact me at (330) 963-1237 or at 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
Bill MacDowell, U.S. EPA
Charlie Hall, U.S. EPA
John Peterka, Heritage-WTI, President
Vince Waggle, Heritage-WTI, Environmental Engineer