



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

June 23, 2010

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

CERTIFIED MAIL

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

Dear Mr. Peterka:

The purpose of this letter is to notify you that Heritage-WTI, Inc. (WTI) violated its Permit-to-Install (PTI), Title V operating permit and 40 CFR Sections 63.1219(a)(1)(i)(A) and 63.1219(a)(2) on May 11, 2010, and each day of hazardous waste incineration thereafter. Specifically, the results of the testing performed on May 11 and May 12, 2010, show that levels of dioxins/furans and mercury exceeded the emissions limitations provided in the permits and in 40 CFR 63, Subpart EEE (Hazardous Waste Combustor MACT).

As discussed in this letter, stack testing performed on May 11 and May 12, 2010, failed to demonstrate full compliance with the terms and conditions contained in the Title V permit. According to OAC rule 3745-77-02(A), the owner or operator of a Title V source shall not operate such source, except in compliance with a permit issued under the chapter. Therefore, continued operations of the incinerator at WTI on May 11, 2010 and each day thereafter is also a violation of OAC rule 3745-77-02(A).

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).

Dioxins and Furans:

Part III. A.I.2.a of PTI 02-18743 (effective March 22, 2007 and modified on October 9, 2007) and Section C.5.b)(2)a. of the current Title V permit effective on January 12, 2009, state that dioxin and furan emissions from the stack shall not exceed 0.20 ng toxicity equivalence (TEQ) per dry standard cubic meter (dscm) corrected to 7 percent oxygen or 0.40 ng TEQ/dscm corrected to 7 percent oxygen, provided that the combustion gas temperature at the inlet to the initial particulate matter control device is 400 degrees Fahrenheit (F) or lower based on the average of the test run temperatures. Since the temperatures to the electrostatic precipitator (ESP) are not below 400 degrees F, WTI is required to comply with the 0.20 ng TEQ/dscm limit.

Part III.A.I.1 of PTI 02-18743 and Section C.5.b)(1)a. of the Title V permit also state that compliance with OAC rule 3745-31-05(A)(3) or BAT includes compliance with 40 CFR Part 63, Subpart EEE. 40 CFR §63.1219(a)(1)(i)(A) provides an emission limitation of 0.20 ng TEQ/dscm for dioxins and furans.

MR. JOHN PETERKA, PRESIDENT
JUNE 23, 2010
PAGE 2

Mercury:

Part III.A.2.b of PTI 02-18743 and Section C.5.b)(2)b. of the Title V permit state mercury emissions from the stack shall not exceed 130 µg/dscm corrected to 7 percent oxygen.

Part III.A.I.1 of PTI 02-18743 and Section C.5.b)(1)a. of the Title V permit also state that compliance with OAC rule 3745-31-05(A)(3) or BAT includes compliance with 40 CFR Part 63, Subpart EEE. 40 CFR §63.1219(a)(2) provides an emission limitation for mercury of 130 µg/dscm corrected to 7 percent oxygen.

Comprehensive Performance Test (CPT):

Parts III.A.V.6 & 7 of PTI 02-18743 and Sections C.5(f)(6) & (7) of the Title V permit state that the compliance with the dioxins/furans and mercury emissions limitations is demonstrated by emission testing. 40 CFR §63.1207(b)(1) requires Heritage-WTI to conduct comprehensive performance tests to demonstrate compliance with the emission standards provided by the subpart, establish limits for the operating parameters provided by 40 CFR §63.1209, and demonstrate compliance with the performance specifications for continuous monitoring systems.

Two conditions were tested for the CPT. Condition 1 served to establish a minimum operating temperature and maximum pumpable waste feed rate. This condition included a moderate chlorine input level and normal feed levels for other constituents. Emission measurements during Condition 1 included destruction and removal efficiency (DRE) for principle organic hazardous constituents (POHCs) and dioxins and furans. Condition 2 served to establish a maximum total chlorine feed rate and maximum total solids throughput. This condition included a maximum chlorine input level and maximum feed levels for ash and inorganic (metals) constituents. Emission measurements during Condition 2 included dioxin and furan, metals (lead, cadmium, chromium, arsenic, beryllium, manganese, and mercury), particulate matter and hydrogen chloride and chlorine gas (total chlorine).

DRE and dioxins/furans were tested on March 31, 2010 and April 1, 2010, under Condition 1. Preliminary test results indicate that the DRE of 99.9999% meets the standard of 99.99%, and the dioxins and furans measurement of 0.0040 ng TEQ/dscm meets the standard of 0.20 ng TEQ/dscm.

Dioxins/furans, metals, particulate matter and HCl/Cl₂ were tested on May 11, 2010 and May 12, 2010, under Condition 2. Preliminary test results submitted to Ohio EPA on June 14, 2010, indicate that the dioxins and furans were measured to be 0.518 ng TEQ/dscm at 7% oxygen. This measurement exceeds the emission standard of 0.20 ng TEQ/dscm at 7% oxygen, in violation of Part III. A.I.2.a of PTI 02-18743, Section C.5.b)(2)a. of the Title V Permit, and 40 CFR §63.1219(a)(1)(i)(A). Mercury was measured to be 290.6 µg/dscm. This measurement exceeds the emission standard of 130 µg/dscm corrected to 7 percent oxygen, in violation of Part III.A.2.b of PTI 02-18743, Section C.5.b)(2)b. of the Title V permit, and 40 CFR §63.1219(a)(2). The other preliminary measurements were below the respective emissions limitations.

MR. JOHN PETERKA, PRESIDENT
JUNE 23, 2010
PAGE 3

Subsequent Actions:

Heritage-WTI reported that incinerator operations ceased immediately after receiving the test results for Condition 2 on June 14, 2010. Hazardous waste incineration resumed about 4 hours later under restrictive operating parameter limits (OPLs).

A letter including a table of the restrictive OPLs was e-mailed to U.S. EPA and Ohio EPA Northeast District Office late in the day on June 14, 2010. A conference call was held in the afternoon on June 16, 2010, between WTI staff, U.S. EPA and Ohio EPA. A letter dated June 17, 2010, provided additional information on waste feeds, waste sampling and a revision to the OPL for mercury feed rate. A written response to your interim operations and revised OPLs is forthcoming.

Summary:

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

PK:bo

pc: Ed Fasko, DAPC, NEDO
Tim Fischer, DAPC, NEDO
Misty Koletich, DAPC, NEDO
Natalie Oryshkewych, DHWM, NEDO
Frank Popotnik, DHWM, NEDO
Michelle Tarka, DHWM, East Liverpool Field Office
Tom Kalman, DAPC, CO
Marcus Glasgow, Legal, CO
Kristopher Weiss, PIC
Mike Settles, PIC
Charlie Hall, U.S. EPA Region 5
Lisa Holscher, U.S. EPA Region 5
Vince Waggle, Heritage-WTI, Inc.