



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 3, 2011

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 first quarter of 2011 (January 1 – March 1), we find Heritage-WTI (WTI) violated short-term emission permit limitations for nitrogen oxides, sulfur dioxide and total hydrocarbons as measured by the Continuous Emission Monitors (CEMs). WTI also violated the short-term opacity permit limitation as measured by the Continuous Opacity Monitor (COM). 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).

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 1st quarter of 2011, there were 686 minutes when the NO_x reading, as measured by the NO_x CEM, was over the limit of 28.36 lbs/hr. The maximum reading during the quarter was 51.2 lbs/hr.

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 1st quarter of 2011, there were 694 minutes when the SO₂ reading, as measured by the SO₂ CEM, was over the limit of 11.34 lbs/hr. The maximum reading during the quarter was 24.3 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.

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During the 1st quarter of 2011, there were 532 minutes of THC exceedences caused by operator errors when hazardous waste was in the combustion chamber. The maximum reading during the quarter by an operator error was 20.8 ppm.

Opacity:

Part III. A.1.1 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 1st quarter of 2011, there was an exceedence of the opacity standard for 12 minutes due to an operator error. The highest opacity was 26.68 percent as a 6-minute average.

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

PLK:bo

ec: Ed Fasko, DAPC, NEDO
Misty Koletich, DAPC, NEDO
Natalie Oryshkewych, DHWM, NEDO
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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