



State of Ohio Environmental Protection Agency

Northeast District Office

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

April 30, 2007

NOTICE OF VIOLATION

0247050278
CERTIFIED MAIL

Mr. James W. Craig
SHE Manager
Ross Incineration Services, Inc.
36790 Giles Rd.
Grafton, Ohio 44044

RE: Mercury Feed

Dear Mr. Craig:

Thank you for the response to the Ohio EPA letter requesting information regarding the mercury feed event. The Ohio EPA does not believe the event should be classified a malfunction. Ohio EPA believes the event should be classified as an exceedence. This Notice of Violation is being sent to Ross for exceeding the allowable mercury feed limit of 0.0135 pound per hour, and for failure to initiate an Automatic Waste Feed Cut-Off (AWFCO).

Based upon the definition of malfunction, it is clearly discernable that the mercury event should have been labeled an exceedence, per 40 CFR 63.2:

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or unusual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

The mercury overfeed was a result of poor communication and/or careless operation and was reasonably preventable. Therefore, it was not a malfunction.

An Automatic Waste Feed Cut-Off (AWFCO) should have occurred after the emissions exceedence, per 40 CFR 63.1206(c)(3)(l):

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*...you must operate the hazardous waste combustor with a functioning system that immediately and automatically cuts off the hazardous waste feed...when any of the following are exceeded: ...upon malfunction of a CMS monitoring parameter limit specified under 63.1209 or **an emission level**; ... (emphasis added)*

Additional citation that an AWFCO should have occurred, per 40 CFR 63.1206(c)(2)(v):

During malfunctions, the automatic waste feed cutoff requirements...continue to apply...If you exceed a...operating limit specified under §63.1209, the automatic waste feed cutoff system must immediately and automatically cutoff the hazardous waste feed...If the malfunction itself prevents immediate and automatic cutoff of the hazardous waste feed, however, you must cease feeding hazardous waste as quickly as possible...

A violation occurred because an operating limit was exceeded and an AWFCO did not occur.

Please respond within three weeks of receipt of this letter with information detailing the duration of the mercury exceedence and the calculated mass emission rate of mercury. Further include procedures Ross plans on implementing to insure waste feed is discontinued in the event of a mercury exceedence in the future.

Failure to respond to this notice in the time frame specified may result in further enforcement action up to and including a referral to the Central Office of Ohio EPA for appropriate action. Also note that this Notice of Violation in no way waives the right of the Ohio EPA or USEPA to pursue additional enforcement action regarding the violations discussed in this notice, and/or any additional violations that may be found. Should you have any questions regarding this notice, please contact me at 330-963- 1252 or erik.bewley@epa.state.oh.us.

Respectfully,



Erik M. Bewley
Environmental Specialist
Division of Air Pollution Control

EMB:bo

cc: Dennis Bush, DAPC-NEDO
Bob Prinicic, DAPC-NEDO
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