



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

November 16, 2009

RE: HERITAGE - WTI, INC. (WTI)
FACILITY ID 0215020233
NOTICE OF VIOLATION
HIGH PRIORITY VIOLATION – GC #8

CERTIFIED MAIL

Mr. 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 certain terms and conditions of its Title V operating permit and Permit-to-Install (PTI) #02-18743. 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(C).

Section C.5.b)(1)a. of the Title V permit and Part III.A.I.1 of PTI #02-18743 for N001 (Hazardous Waste Incinerator) both state "Sulfur dioxide emissions from the stack shall not exceed 11.34 pounds per hour and 49.69 tons per year." The Excess Emissions Report (EER) for the third quarter of 2009 (July 1 – September 30, 2009) reveals the SO₂ monitor recorded exceedances of the 11.34 lbs SO₂/hr limitation during 7,482 minutes in the quarter. The 7,482 minutes represents 5.72% of the time during the quarter when the SO₂ monitor was working while the incinerator was in operation.

The 7,482 minutes is a summation of 109 events of various durations during the quarter. These events were due to "Feed-Drum," "Feed-Unspecified," "Feed-Direct Drum," or "Feed-Direct Tanker." The corrective actions taken for each event is reported as "Reduced Feed Rates" or "Corrected Problem-Restarted Unit."

What is meant by "Corrected Problem-Restarted Unit?" According to the "Incineration Operation Times" report for this quarter, the incinerator was "On Hazardous Waste" during each of the three events where the corrective action is reported to be "Corrected Problem-Restarted Unit."

During the 3rd quarter, there were 524 minutes of "downtime" of the SO₂ monitor due to system recalibrations and/or work on the analyzer. The 524 minutes of downtime represents 0.40% of the operating time when the monitor data was unavailable.

Within 14 days of receipt of this letter, please submit the following to the Ohio EPA Northeast District Office:

1. Provide a response explaining WTI's plan to reduce the number of SO₂ exceedances.
2. Provide a better explanation as to the corrective actions taken, especially the reason of "Corrected Problem-Restarted Unit."

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3. The cover letter of the 3rd Quarter 2009 EER explains the incinerator was shut down on August 5, 2009 in order to perform maintenance to the scrubber. The shutdown is reported to include a complete burnout of all waste materials and it lasted several hours. During the shutdown, maintenance was also performed to the drum feed mechanism. It is reported that "this work inadvertently caused the waste tracking computer to record a drum feed and initiate a waste retention scenario. Since the incinerator was offline, several operating parameters were out of range and were recorded in the CMS computer as exceedances. These events were falsely recorded. As a result, these events are not included in this quarterly report. They will, however, be maintained in the facility operating record with notations detailing the circumstances of their existence."

Please submit the records pertaining to the exceedances described in your EER cover letter and an expanded explanation as to what happened. Also provide any corrective actions taken since this event to prevent false readings from the waste tracking computer.

Failure to respond to this request in the requested time frame can result in a referral to the Central Office of Ohio EPA for the appropriate enforcement action.

The submission of the requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06 or for USEPA to seek civil penalties pursuant to federal law. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

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/mt

pc: Ed Fasko, Ohio EPA, DAPC, NEDO
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