



State of Ohio Environmental Protection Agency

Northeast District Office

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

June 16, 2009

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 certain terms and conditions of its Title V operating permit, Permit-to-Install (PTI) and sections of 40 CFR, Part 63, Subpart EEE. 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). The particular sections of the permits and rule that were violated are provided later in this letter.

An anonymous letter dated March 18, 2009, was received by Ohio EPA, Northeast District Office (NEDO), on April 22, 2009. The letter itself was addressed "To whom it may concern." Individual copies of the letter were received by Mr. Darren Machuga and me, both with the Division of Air Pollution Control (DAPC) and Mr. Keith Riley, Assistant District Chief, NEDO. The letter contained allegations regarding hazardous waste operations at the WTI facility located at 1250 St. George St., East Liverpool, Ohio. The allegations are described below.

A meeting to discuss the allegations and actions to be taken occurred on April 28, 2009, at NEDO. Mr. Frank Popotnik, Ms. Michelle Tarka and Ms. Patricia Natali represented the Division of Hazardous Waste Management (DHWM) and Mr. Ed Fasko and I represented DAPC. The allegations involved hazardous waste feed operations to the incineration system which are regulated by the Division of Hazardous Waste Management (DHWM) and actual waste feed measurements used to evaluate compliance with Operating Parameter Limits (OPLs) which are regulated by DAPC. A routine DAPC inspection had been scheduled for May 2009 at WTI, and it was decided the allegations would be investigated during the inspection.

On May 6, 2009, I visited WTI to conduct the DAPC air inspection. Ms. Tarka and Patricia Natali, the DHWM on-site inspectors assigned to the WTI facility, participated in the inspection. Operating and inspection records were reviewed and WTI employees were interviewed to investigate the validity of the allegations described in the March 18, 2009, letter. Below is a description of the allegations, the findings of the investigation, the violations of the air pollution regulations and permits, and the actions the facility must take to return to compliance.

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BACKGROUND

WTI uses a clamshell crane bucket to feed bulk waste from the two Bulk Solid Waste Storage Tanks (S-1 and S-2 or pit 1 and 2), also known as the Loose Solid Waste Receiving and Handling Operations (Emissions Unit F002). The clamshell bucket uses two load cells (a type of scale) to weigh the material/waste prior to it being fed to the incineration system. The weight measured is entered into the facility's computerized distributed control system, the Bailey DCS.

The information entered into the Bailey DCS is used in the determination of various waste feed rates, which are compared to the feed rate Operating Parameter Limits (OPLs) established during the most recent Comprehensive Performance Test.

OPLs must be continually met in order to demonstrate continued compliance with the standards in MACT (40 CFR 63, Subpart EEE: National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) when hazardous waste is being incinerated.

ALLEGATIONS

According to the author of the letter, WTI (referred in the letter as Von Roll) occasionally experienced problems with load cell(s) and yet continued to feed waste to the incineration system. The author stated that "Most of the time when they (load cells)* failed, a technician would replace them. When spare parts were not available, a number/weight was forced into the DCS to simulate a weight. Von Roll continued to feed waste for days or even weeks until parts could be purchased or installed. During this time, the amount of bulk waste fed to the kiln (incineration system)* was not being measured by instrumentation. Von Roll would program a weight so the input to the data recording device was reading a value."

*added for clarity

INVESTIGATION FINDINGS

Ohio EPA DHWM staff reviewed facility scale calibration records for the time period of December 2007 through March 2009. All plant scales are calibrated by an outside firm on a monthly basis. Records reviewed disclosed no problems with the load cells during the calibration events.

Ohio EPA DHWM staff then reviewed incinerator control room log-books. The logs contain day-to-day notations from the crews running the incineration system. This review yielded several instances where notations indicated the crane load cell(s) were not operating or not operating properly and the control room operators had manually entered weight values to the Bailey DCS in order to continue feeding bulk waste to the incineration system. There was no indication in the log book as to the source of the manually entered values. Further questioning revealed that a standard operating procedure (SOP) to direct the calculation of crane weight values and how the values should be entered into the Bailey DSC did not exist.

WTI management interviewed by the Ohio EPA DHWM staff during the investigation stated they had no knowledge of the action to manually enter weights into the Bailey DSC at times the load cells were inoperable. Upon confirmation with operators in the control room of this practice, WTI upper management directed the control room operators to cease the procedure until further notice. Discussion with WTI personnel revealed procedures had been in place for the last two years to ensure replacement load cells were on site or available within twenty-four hours notice.

DAPC VIOLATIONS

Part III, term A.III.6 under N001 of PTI 02-18743 issued October 9, 2007 and Ohio Title V Permit term C.5.d(6) both state "The permittee shall install, calibrate, operate and maintain other continuous monitoring systems (CMS), e.g., temperature monitoring devices, pressure transducers, flow meters, to document compliance with all applicable Operating Parameter Limits (OPL) established during the most recent Comprehensive Performance Test and reported in the subsequent Notice of Compliance."

40 CFR 63.1209(b)(1) states "You must use CMS (e.g., thermocouples, pressure transducers, flow meters) to document compliance with the applicable operating parameter limits under this section."

40 CFR 63.1209(c)(4) states: "To comply with the applicable feedrate limits of this section, you must monitor and record feedrates as follows: (ii) "Determine and record the mass or volume flowrate for each feedstream by a CMS..."

40 CFR 63.2 defines Continuous Monitoring System as "a comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for demonstrating compliance with an applicable regulation on a continuous basis as defined by the regulation." Continuous Parameter Monitoring System is also defined as "the total equipment that may be required to meet the data acquisition and availability requirements of this part, used to sample, condition (if applicable), analyze, and provide a record of process or control system parameters."

The OPLs that involve the load cell readings in their determinations would be the following:

OPL	How reported	Indicates compliance with ...
Maximum total waste feed rate	an hourly average as lb/hr	Destruction and removal efficiency (DRE) standard of 99.99% for each principle organic hazardous constituent (POHC), Dioxins and Furans
Maximum ash feed rate	12-hour average, as lb/hr	Particulates
Maximum total chlorine feed rate	12-hour average, as lb/hr	Metals, hydrochloric acid and chlorine gas
Maximum total semi-volatile feed rate	12-hour average, as lb/hr	Metals (lead and cadmium)
Maximum low-volatile feed rate	12-hour average, as lb/hr	Metals (chromium, arsenic, and beryllium)
Maximum total mercury feed rate	12-hour average, as lb/hr	mercury

Ohio EPA Division of Air Pollution Controls finds Heritage-WTI in violation of the above noted terms in both the PTI and Title V Permit, and in violation of the above noted citations of the MACT during the times when feed waste measurements from the bulk solid waste pits (emissions unit F002) were estimated instead of using an intact, operational CMS.

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During the investigation, we requested the maximum feed rate values for the above OPLs for the times in question. These maximum feed rates were found to be below the respective OPLs. This agrees with the fact that no feed rate OPL exceedance has been included in your MACT excess exceedance reports for the time period of 2007 to present. However, we wonder if an OPL could have been exceeded if the load cells measured a different number than what was entered manually by the operators.

CORRECTIVE ACTIONS

Please submit the following documents to this office within 30 days of receipt of this letter.

1. Documentation that addresses our concern of environmental impact. This report should answer the question of whether a feed rate OPL (the six in the table above) would have been exceeded if a worst case, larger weight was entered into the Bailey DSC at the times when the load cells were inoperable. Please include the time frame of June 2004 (time of Notice of Compliance when OPLs first established) to present in your report.
2. Documentation that addresses the actions WTI has taken, and will be taking, to prevent these violations from occurring in the future. A summary of what is being requested by the Ohio EPA DHWM will be acceptable.
3. A revised feedstream analysis plan. The revision to section 2.6.4 (Determination of Feedrate Limits) of your current plan should include more detail about the use of an intact, functioning CMS for the determination of all feed rates.
4. Documentation discussing your CMS Quality Control Program. Specifically, please report how your program will be revised to ensure these violations do not occur again in the future. 40 CFR 63.8(d) states "The owner or operator of an affected source that is required to use a CMS and is subject to the monitoring requirements of this section and a relevant standard shall develop and implement a CMS quality control program. As part of the quality control program, the owner or operator shall develop and submit to the Administrator for approval upon request a site-specific performance evaluation test plan for the CMS performance evaluation required in paragraph (e)(3)(i) of this section, according to the procedures specified in paragraph (e). In addition, each quality control program shall include, at a minimum, a written protocol that describes procedures for each of the following operations:" Please specifically address paragraph (vi) under this rule that states, "Program of corrective action for a malfunctioning CMS" as it pertains to the solid waste pits, load cells and feed rate determinations.

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.

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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

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