



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL

February 15, 2008

Re: **Von Roll America, Inc.**
EPA ID No: OHD 980 613 541
Ohio ID No: 02-15-0589
Modified Hazardous Waste Permit

Mr. John Peterka
Von Roll America, Inc.
1250 St. George Street
East Liverpool, Ohio 43920-3400

Dear Mr. Peterka:

On September 28, 2007, Ohio EPA received Von Roll America, Inc.'s request to increase the annual feed rate of mercury up to 25% of the permitted feed rate limit; from 355 lbs/year up to 443 lbs/year. For this modification, Von Roll America, Inc. submitted a Class 2 modification application¹. The Agency received written comments concerning this Class 2 modification application and these comments were addressed in the responsiveness summary. I have enclosed the final modified Ohio hazardous waste facility installation and operation permit (Permit) that was issued by the director today. Please note that the modified Permit remains in effect until it is renewed, withdrawn, suspended or revoked.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

¹Ohio EPA assigned tracking # 070928-2-1 to this modification application.

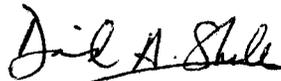
Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Mr. John Peterka
Von Roll America, Inc.
February 15, 2008
Page 2

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

If you have any questions, please contact Patricia Natali of Ohio EPA's Northeast District at (330) 385-8447.

Sincerely,



David A. Sholtis, Assistant Chief
Division of Hazardous Waste Management

Enclosures

cc: Ed Lim, ERAS, DHWM, CO
Jeremy Carroll/John Nyers, ERAS, DHWM
Dale Meyer, U.S. EPA, Region V
Frank Popotnik/Patricia Natali,/NEDO, DHWM
Carol Hester, Ohio EPA, PIC

PUBLIC NOTICE

Columbiana County

OHIO EPA ISSUES FINAL MODIFIED HAZARDOUS WASTE PERMIT

On February 15, 2008, Ohio EPA issued a final class 2 modified Hazardous Waste Facility Installation and Operation Permit (Permit) to Von Roll America, Inc. for its facility at 1250 St. George Street, East Liverpool, Ohio 43920-3400. The EPA Identification Number for this facility is OHD980613541.

Why is Von Roll America, Inc. modifying its Permit?

Von Roll America, Inc. is permitted to operate a hazardous waste incinerator and other related hazardous waste management units at its facility. Von Roll America, Inc. requests to increase the annual feed rate of mercury up to 25% of the permitted feed rate limit; from 355 lbs/year up to 443 lbs/year. This final modified permit will allow Von Roll America, Inc. to make the requested changes. To issue this final modified Permit, Ohio EPA determined that the modification application is complete and meets appropriate standards.

Can I appeal this final modified Permit?

Yes, if you are an officer of an agency of the state or of a political subdivision, acting in a representative capacity, or any person who would be aggrieved or adversely affected by this modified Permit, you have the right to appeal this Permit decision to the Environmental Review Appeals Commission (ERAC).

If I decide to appeal this final modified Permit, how and when must I make the appeal?

If you file an appeal, you must put it in writing no later than **March 19, 2008**. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. You must file your appeal, according to Ohio Revised Code § 3745.04 with ERAC at the following address: **Environmental Review Appeals Commission**, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: **Chris Korleski, Director of Ohio EPA**, P.O. Box 1049, Columbus, Ohio 43216-1049.

**OHIO ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF HAZARDOUS WASTE MANAGEMENT**

**SUMMARY OF MODIFICATIONS TO HAZARDOUS WASTE
INSTALLATION AND OPERATION PERMIT**

Von Roll America, Inc.
U.S. EPA ID No.: OHD 980 613 541
Ohio ID No.: 02-15-0589

Modification of the Hazardous Waste Facility Installation and Operation Permit will authorize Von Roll America, Inc. to make the following changes:

Class 2 Modification:

- 1) To increase the annual feed rate of mercury up to 25% of the permitted feed rate limit; from 355 lbs/year up to 443 lbs/year.

During the initial permitting of the facility, system removal efficiency (SRE) for mercury was not acknowledged. Consequently, the permit was written such that the mercury fed to the incineration system equaled the mercury emitted from the system. A risk assessment conducted by the U.S. EPA determined a feed/emission limit of 355 lbs/yr mercury would not pose significant risk to human health and the environment.

Performance testing conducted on a yearly (or more frequent) basis allowed the facility to calculate a SRE for mercury of greater than 90%. In accordance with the Clean Air Act Title V permit and Permit to Install (PTI), VRA's operating parameter feed rate limit (OPL) of mercury to the incineration system is 0.82 lb/12-hr. If this limit (0.82 lb/12-hr) was met, the total feed rate would be 598.6 lbs/year. The Title V permit/PTI rate of 598.6 lbs/yr is greater than the 443 lbs/yr rate requested in the modification to the RCRA permit. Therefore, this modification to the RCRA permit would continue to meet the Title V permit requirements and be protective under the U.S. EPA risk assessment.

OHIO E.P.A.

FEB 15 2008

ENTERED DIRECTOR'S JOURNAL

OHIO ENVIRONMENTAL PROTECTION AGENCY

**MODIFIED OHIO HAZARDOUS WASTE FACILITY
INSTALLATION AND OPERATION PERMIT**

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

Date of Issuance: February 15, 2008
Effective Date: February 15, 2008

By: *M. J. [Signature]* Date: 2/15/08

U.S. EPA ID No.: OHD 980 613 541
Ohio Permit No.: 02-15-0589

Name of Permittee: Von Roll America, Inc.
Mailing Address: 1250 St. George Street
East Liverpool, OH 43920-3400
Facility Location: 1250 St. George Street
East Liverpool, OH 43920-3400
Person to Contact: Mr. John Peterka

This Modified Ohio Hazardous Waste Facility Installation and Operation Permit is issued pursuant and subject to Section 3734.05(I) of the Ohio Revised Code and Rule 3745-50-51(D) of the Ohio Administrative Code.

The Ohio Hazardous Waste Facility Installation and Operation Permit with the above-referenced permit number as issued by the Ohio Environmental Protection Agency and journalized on March 23, 2005, is hereby incorporated by reference in its entirety, except as it may be modified herein.

This modification of the permit shall remain in effect until such time as the Ohio Hazardous Waste Facility Installation and Operation Permit is renewed, modified, withdrawn, suspended, or revoked.

The Permittee shall comply with all requirements of the modified Part B permit application as amended or supplemented on September 28, 2007. The information contained in the modified Part B permit application is incorporated herein by reference. Specifically, all written statements regarding the specifications, locations or capabilities of the processes, equipment, containment devices, safety devices or programs or other matters made by the applicant in the permit modification application are hereby incorporated as express, binding terms and conditions of this modified permit.

The modified Terms and Conditions of this permit are attached hereto and are incorporated herein by reference. The modified Terms and Conditions supersede and replace the corresponding pages found in the March 23, 2005 renewal permit.

[Signature]
Chris Korleski
Director

FEB 15 2008

- 4) During periods of malfunction of the continuous monitoring system (for the purposes of this permit, "malfunction" includes any period of time when valid emission data cannot be collected), the Permittee shall demonstrate compliance as follows:
- a) For data interruptions of 12 minutes or less, metals emissions will be considered to be equivalent to the value recorded immediately prior to the interruption;
 - b) For interruptions longer than 12 minutes, compliance with the metals emission limits will revert to feed tracking, as described in Condition A.1. of this Attachment, with the first 60-minute rolling average being generated at the 60th minute after the monitor became inoperative.
- 5) The following metals feed or emission limits shall apply, as described in Conditions A.1. and A.2. of this Attachment:

Metal	Annual Emission Limit	Annual Feed Rate Limit
Ba	682 lbs/yr	2.96 E+5 lbs/yr
Hg	355 lbs/yr	355 443 lbs/yr
Ag	954 lbs/yr	2.27 E+5 lbs/yr
Tl	6.6 lbs/yr	2870 lbs/yr
Ni	4170 lbs/yr	1.36 E+6 lbs/yr
Se	102 lbs/yr	3.4 E+4 lbs/yr
Sb	11.1 lbs/yr	82,300 lbs/yr
As	43.8 lbs/yr	3.3 E+4 lbs/yr
Be	2.50 lbs/yr	2630 lbs/yr
Cd	107 lbs/yr	1.0 E+5 lbs/yr
Cr	15.8 lbs/yr	1.56 E+6 lbs/yr
Pb	254 lbs/yr	8.7 E+5 lbs/yr

- 6) Compliance with the annual metals feed limits or the annual emission limits, as described in Conditions A.1. through



Division of Hazardous Waste Management

Response to Comments

Project: Von Roll America, Inc., Ohio Hazardous Waste Facility
Installation and Operation Permit Modification
Ohio EPA ID #: OHD 980 613 541 / 02 - 15 - 0589

Agency Contacts for this Project

Division Contact: Patricia Natali, DHWM, NEDO, 330-385-8447,
patricia.natali@epa.state.oh.us

Public Involvement Coordinator: Caroline Markworth, 614-644-2160,
caroline.markworth@epa.state.oh.us

Ohio EPA held a public comment period regarding a Class 2 permit modification to increase the annual mercury feed rate for the Von Roll America (VRA), Inc. commercial hazardous waste incinerator in East Liverpool, Ohio. The comment period ran from October 3 through December 2, 2007. VRA held a public information meeting on November 5, 2007. This document summarizes the comments and questions received regarding this Class 2 permit modification.

Ohio EPA reviewed and considered all comments received. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format.

Concerns Regarding Response to Comments Timeline

Comment 1: Alonzo Spencer made the following remarks: "How long is it going to take to get a response from these questions? There are questions asked from the February 2007 public meeting (for the Class 3 permit modification with regard to Mixed Infectious and Hazardous Waste) that we still do not have answers for that (those answers) may affect this permit modification or cause more questions for this permit modification".

Response 1: In deciding whether to approve or disapprove an application for a Class 2 or Class 3 modification, the director must

consider all comments received during the public comment period(s) and must respond in writing to all significant comments. The "Response to Comments" summarizes the comments and questions received at the public hearing or during the comment period and is released at the same time the modification application is approved or disapproved by the director. In response to a request, Ohio EPA will make available a copy of the "Response to Comments" in draft form.

Concerns Regarding Mercury

Comment 2: Virgil Reynolds had the following question: "How did the 29 lbs of mercury affect the neighborhood and school children in this area?"

Response 2: The commenter is referring to trial burn testing on March 10 and March 11, 1993. WTI notified EPA on April 26, 1993 that preliminary data from the trial burn indicated the metal emission rate for mercury exceeded the permitted limit. The US EPA addressed this situation when an enforcement action was taken against the facility.

This is not an issue that we are considering in this particular permit modification. U.S. EPA's risk assessment evaluated the long term environmental and human health impacts of Mercury emissions and considered an emission limit of 355 lbs/ year to be protective of human health and the environment. This would equate to an emission limit of approximately 29 lbs/ month. Releasing this amount in a two day period as a one time event would not be expected to have a significant negative impact on human health or the environment.

Comment 3: Virgil Reynolds also asked: "How does 30 nanograms in a twenty four (24) hour period mercury feed rate play into this permit?"

Response 3: It is not clear what is meant by this question. Mercury feed rates are reported in pounds per hour (lbs/hr) or pounds per year (lbs/yr). Dioxin/furans are reported in nanograms per dry standard cubic meter or ng/dscm. Consequently, if the question is in reference to dioxin/furans, this permit modification is not expected to affect the emissions for those parameters.

Comment 4: Mike Walton had the following questions: "Why did the facility only go for 88 lbs? Why didn't they go for the whole total that is allowed, 598.6lbs?"

Response 4: In a letter dated September 27, 2007, the Permittee requested a permit modification to increase the annual mercury feed rate up to 25%. A 25% increase of their current mercury feed rate of 355 lbs per year is 88 lbs. According to the Appendix of Ohio Administrative Code (OAC) Rule 3745-50-51, an increase in a feed rate to the incineration system (up to 25%) is classified as a class 2 permit modification.

In accordance with OAC Rule 3745-50-51, increasing the mercury feed by more than 25% would be classified a class 3 permit modification. Whether the complexity of applying for a class 3 versus a class 2 permit modification was the reason the Permittee chose to apply for a class 2 is not a factor in the review and evaluation of a permit modification request by the Ohio EPA.

Comment 5: Mike Walton also had the following question: "Can the facility still maintain the present DRE of 95% if feeding an additional 88 lbs of mercury?"

Response 5: When evaluating performance standards of an incinerator with regard to metals, the parameter used is system removal efficiency (SRE). Metals are not destroyed during incineration but are released (removed) from the materials incinerated. The SRE of an incinerator and associated equipment (incineration system) is determined during performance testing. It is at that time that operating parameter limits (OPLs), such as feed rates, are set. Compliance with SRE is demonstrated by compliance with the OPLs.

The Permittee has demonstrated, through the past five performance tests, an average mercury SRE of 94.84%. The Permittee maintains the SRE by operating the incineration system within the OPLs. Since a continuous emission monitor for metals is not available at this time, compliance with mercury emission limits is met through compliance with the OPLs and the application of the SRE.

The increase of 88 lbs/yr of mercury would result in a total annual feed rate of 443 lbs/yr. The amount of mercury to be

released (emitted) from the stack, calculated using a 90% SRE, would be 26.58 lbs/year. During the risk assessment conducted by the U.S. EPA, it was determined that an annual emission rate of 355 lbs/year would be of limited risk to human health and the environment.

Comment 6: Mike Walton made the following remark: "Was the company being disingenuous in the fact sheet by stating they could actually feed 598.6 lbs, but they were only requesting an 88 lb increase for the total of 443 lbs?"

Response 6: No. During the Permittee's maximum achievable control technology ("MACT") Comprehensive Performance Test (CPT), a mercury feed rate of 0.82 lbs/12-hr rolling average was set. If the Permittee were to incinerate or feed mercury at a rate of 0.82 lbs/12-hr rolling average, over the course of a year (8760 hrs) the annual mercury feed rate would be 598.6 lbs/yr.

MACT emission standards and operating limits are in the Clean Air Act ("CAA") regulations at 40 CFR Part 63 Subpart EEE. MACT air emission limits and operating requirements are included in the Title V permit through Ohio EPA's Division of Air Pollution Control.

As to why the Permittee requested an increase of 88 lbs, see Comment #4.

Other Concerns

Comment 7: Virgil Reynolds made the comment: "What has changed in the valley that would allow this facility to accept anthrax, mixed infectious and hazardous waste, and increased mercury feed?"

Response 7: The permit modification that is being considered at this time is for the increase of the annual mercury feed to the incineration system. Therefore questions and comments related to that topic are addressed here.

The mercury emission limit, as well as the mercury feed limit, was set by the US EPA's risk assessment. The current mercury feed rate is based on no system removal efficiency (SRE) for the incineration system. In other words, the amount of mercury being fed to the incineration system is

assumed to be the same amount that is leaving the stack as mercury emissions.

The modification is requesting the acknowledgment of a SRE that has been demonstrated in past annual performance tests. Therefore, the allowable/permitted mercury emissions would not change with the annual increase of mercury feed to the incineration system. Consequently, this modification does not represent an increase in risk to human health and the environment.

Comment 8: Alonzo Spencer made the following comment: "How does anthrax play into the whole operation of the facility?"

Response 8: The permit modification that is being considered at this time is for the increase of the mercury feed rate to the incinerator. Therefore only questions and comments related to the mercury feed rate increase will be addressed at this time.

Your question has been addressed in the responsiveness summary for the Mixed Infectious and Hazardous Waste modification issued January 8, 2008. The responsiveness summary can be found at the following web link:
www.epa.state.oh.us/dhwm/pdf/VRAResponsivenessSummary-101507.pdf .

End of Response to Comments