

## Division of Hazardous Waste Management Response to Comments

**Project: Heritage – WTI, Inc. (WTI); Class 2 modification**  
**Ohio EPA ID #: OHD 980 613 541/ 02-15-0589**

### Agency Contacts for this Project

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Heritage – WTI, Inc. (WTI) held a public information meeting on April 20, 2009, regarding its request for authorization to temporarily increase their container storage capacity from 684,380 gallons to 729,215 gallons. This is approximately a 6% increase of their permitted storage capacity. WTI's request also includes authorization to temporarily store hazardous waste in locations on-site that are not currently permitted for storage and to extend the permitted storage limit for containers; from twelve (12) months to eighteen (18) months. This document summarizes the comments and questions received during the comment period, March 20 through May 19, 2009.

Ohio EPA reviewed and considered all comments received during the public comment period. 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.

**Comment 1:** A citizen questioned the chronology of the permit modification process for this modification

**Response 1:** In a letter dated February 3, 2009, WTI submitted a request for a classification determination pursuant to Ohio Administrative Code (OAC) 3745-50-51(E)(1)(b) for the modification described above. In a letter dated February 19, 2009, Ohio EPA notified WTI that the modification had been classified as a Class 2 permit modification pursuant to OAC 3745-50-51(E). The facility was advised that the classification determination does not automatically begin the administrative permit modification process. To begin the administrative permit modification process, WTI had to follow the procedures outlined in OAC 3745-50-51(D). In a letter dated March 16, 2009, WTI submitted a request for a Class 2 permit modification in accordance with OAC 3745-50-51(D)(2).

**Comment 2:** "Can the Ohio EPA be held legally liable for any accidents that would occur during the time frame covered by the modification?"

**Response 2:** There is no automatic provision in the law under which Ohio EPA would assume liability for actions of a third party. Determinations of liability are made, in large part, through an examination of the facts specific to an incident, and therefore, there is no way to determine if Ohio EPA could incur liability as the commenter describes.

**Comment 3:** "Why is it necessary for a kiln outage?"

**Response 3:** The kiln is over sixteen years old and, as the kiln is repeatedly heated and cooled, the steel shell has become thinner in some areas and the support tires and gear ring have begun to change shape. While the incinerator is still operating within permitted parameters, the facility has determined now would be a good time to replace it.

**Comment 4:** "Does the modification violate any conditions contained in the Ohio EPA Continuous Moratorium on New Commercial Hazardous Waste Incinerators?"

**Response 4:** No, the moratorium only addresses newly permitted incinerators. This modification is for a replacement in kind.

**Comment 5:** "What is the projected cost involving this modification?"

**Response 5:** The Ohio EPA does not require that a facility disclose the cost of a project. As such, the cost is not included in the permit modification, nor does the Agency have information regarding the projected cost.

**Comment 6:** "Will the public be notified before hand when the kiln and the stack are modified?"

**Response 6:** Ohio law does not require that the facility notify the public when a modification of this type is implemented. If a citizen wanted to be notified when such activities were scheduled, they could call the Ohio EPA, East Liverpool field office and make a request.

**Comment 7:** "Will this modification in any way increase the facility's capacity to process hazardous waste?"

**Response 7:** No, if the permit modification is approved, it will only allow for a replacement in kind of the kiln; the shape and dimensions of the replacement kiln will be identical to the existing kiln. Consequently, the operation of the incineration system will not deviate from the operational parameters included in the permit.

**Comment 8:** "What percentage of the drums will be inspected to verify their contents?"

**Response 8:** If the permit modification is approved, for the duration of the extended outage, WTI will continue to sample waste containers as required by the Part B permit application, Section C, Waste Characteristics and Waste Analysis Plan (WAP). Section C-2d(2) states, "For

container shipments, at least 10 percent of the containers from each waste stream will be randomly selected for sampling upon delivery....A minimum of one container from each waste stream will be sampled." Specific situations, as described in the WAP, require visual inspection of the container contents.

**Comment 9:** "Are fires and explosions routine during the incineration process?"

**Response 9:** No. The facility is designed and operated to minimize the effect of any unexpected occurrences such as fires and explosions.

**Comment 10:** "How will this down time affect the air monitoring around the school, which are being assessed by the US EPA?"

**Response 10:** The air monitoring is scheduled to begin in mid-July 2009 and last 60 days. The kiln replacement is scheduled for October 2009. Therefore the kiln replacement will not impact the monitoring.

**END OF RESPONSE TO COMMENTS**