UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 26 2011

REPLY TO THE ATTENTION OF:

L-8J

Carrie L. Beringer
Environmental Health & Safety Manager
Heritage-WTI, Inc.
1250 St. George Street
East Liverpool, Ohio 43920-3400

Re: Offsite Storage of Operating Records
Class 1 Modification Request Approval
Heritage-WTI, Inc.
OHD 980 613 541
East Liverpool, Ohio

Dear Ms. Beringer:

The U.S. Environmental Protection Agency received a class 1 permit modification request with prior agency approval (Class 1A) from Heritage-WTI, Inc. (WTI), dated August 20, 2010.

In the letter, WTI requested a revision of the current language in the WTI's federal Resource Conservation and Recovery Act (RCRA) permit, issued on March 31, 2009, in Section I.E.9.b that requires records to be retained at the facility. WTI requested revisions to language in Section I.I, which requires the operating record (Section I.I.1) and notifications (Section I.I.2) to be maintained at the facility until closure.

According to WTI, these records encompass a vast amount of information, and due to the limited storage capacity at the facility, WTI requested authority to maintain the paper portions of these records at off-site locations. Under this request, WTI indicated that 1) only records that are more than three years old will be maintained at off-site locations; 2) the portion of the records maintained at the off-site location will be available for EPA's review with five business days of the request; and 3) a list of the records and its off-site location shall be maintained at the facility.

The federal RCRA permit primarily addresses (1) air emissions standards for equipment leaks (40 CFR Part 264, Subpart BB) and (2) air emission standards for tanks, containers, and miscellaneous units (40 CFR Part 264, Subpart CC). The federal RCRA permit also requires that K181 waste must be managed at the facility in accordance with the provisions of the state-issued portion of the RCRA permit for other hazardous wastes, as provided in Sec. II.A of the federal RCRA permit.

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Based on the review of WTI's request and its regulatory acceptance, EPA hereby gives prior written approval to modification of the federal RCRA permit as follows:

A. Condition I.E.9.b shall be amended to read as follows:

I.E.9.b You must retain all records as specified in 40 CFR § 264.74, as it applies to records, including plans, required by this Permit.

B. Condition I.I shall be amended to read as follows:

You must maintain at the facility until closure is completed and certified by an independent registered professional engineer, the following documents and all amendments, revisions, and modifications to them. Notwithstanding the preceding sentence, you may maintain at an off-site location instead of at the facility any such documents, amendments, revisions, and modifications that are older than 3 years, except as otherwise specified in Conditions I.I.1 and I.I.3 of this Permit. All such documents that are maintained at an off-site location shall be available at the facility by request of EPA within five business days of the request. WTI shall maintain a log that lists names and dates of such documents, amendments, revisions, and modifications that are subject to this provision and that are maintained at an off-site location. Such log shall be maintained at the facility and shall be available to the EPA at any time.

C. Condition I.I.1 shall be amended to read as follows:

You must maintain in the facility's operating record the documents required by this permit and by the applicable portions of 40 CFR §§ 264.1035, 264.1064, 264.1084, 264.1088, 264.1089, and 40 CFR § 264.73 (as they apply to the equipment used to comply with this permit). Notwithstanding any other provision of this permit regarding the length of time that documents must be maintained at the facility, the most recent documents that are necessary to satisfy the requirements of this permit regarding the contents of the operating record, shall be maintained in the operating record at the facility, even if the documents are older than three years.

D. Condition I.I.3 shall be amended to read as follows:

You must keep a copy of this permit at the facility until closure is completed and certified by an independent registered professional engineer, including all the documents listed in any attachments, and you must update it as necessary to incorporate all official permit modifications.

Please be advised that in order to implement this modification, you must satisfy the requirements in 40 CFR §270.42(a)(1)(i) – (ii).

If you have questions concerning the final federal RCRA permit, please contact Jae Lee, of my staff, at (312) 886-3781.

Sincerely,

Bruce F. Sypniewski
Acting Director
Land and Chemicals Division

cc: Ed Lim, OEPA