



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

MAR - 8 2012

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

James Larson, President  
Ross Incineration Services, Inc.  
36790 Giles Road  
Grafton, Ohio 44044-9125

Re: Notice and Finding of Violation  
Ross Incineration Services, Inc.  
Grafton, Ohio

Dear Mr. Larson:

This letter advises you that the U.S. Environmental Protection Agency (or we) has determined that Ross Incineration Services, Inc. (RIS), has violated the Clean Air Act (CAA) and the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, 40 C.F.R. 63, Subpart EEE (HWC MACT) at its hazardous waste incinerator located at 36790 Giles Road, Grafton, Ohio. We have provided a list of the requirements violated below. We are issuing the enclosed Notice and Finding of Violation (NOV/FOV) to you for these violations.

Section 112(d) of the CAA requires the EPA Administrator to promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of hazardous air pollutants (HAPs) listed for regulation pursuant to Section 112(c) of this section. On July 16, 1992, EPA published an initial list of categories of major and area sources of HAPs. See 57 FR 31576. The list included, among other things, hazardous waste incineration. On September 30, 1999, EPA promulgated the HWC MACT to protect public health and the environment.<sup>1</sup>

The HWC MACT includes the following requirements:

- 1) Pursuant to 40 C.F.R. § 63.1219(a)(1)(ii) of the HWC MACT, the owner or operator of a hazardous waste incinerator not equipped with either a waste heat boiler or a dry air pollution control system must not discharge or cause combustion gases to be emitted into the atmosphere that contain dioxins and furans in excess of 0.40 nanogram toxic equivalent per dry standard cubic meter, corrected to 7 percent oxygen. RIS's Title V permit incorporates this limit.

<sup>1</sup> EPA amended the HWC MACT on November 19, 1999, July 10, 2000, November 9, 2000, May 14, 2001, July 3, 2001, December 6, 2001, February 13, 2002, February 14, 2002, December 19, 2002, June 23, 2003, April 9, 2004, October 12, 2005, April 20, 2006, October 25, 2006, April 8, 2008, and October 28, 2008.

- 2) Pursuant to 40 C.F.R. § 63.1207(b)(1) of the HWC MACT, the owner or operator of a hazardous waste incinerator must conduct a comprehensive performance test to demonstrate compliance with the mercury emission standard in the HWC MACT.

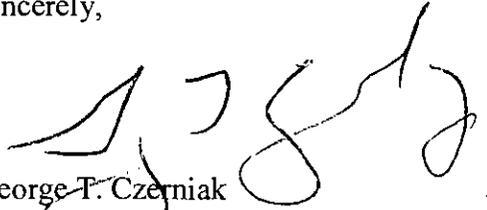
EPA finds that RIS has violated the above-listed HWC MACT requirements. Those requirements are incorporated into the RIS's Title V permit and RIS has therefore violated its Title V permit, Title V of the CAA, and associated regulations which require compliance with the terms and conditions of Title V permits.

Section 113 of the CAA gives EPA several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Charles Hall. You may call him at (312) 353-3443. If you wish to request a conference, you should do so within 3 business days following receipt of this NOV/FOV. EPA hopes that this NOV/FOV will encourage RIS's compliance with the requirements of the Clean Air Act.

Sincerely,



George T. Czerniak  
Acting Director  
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Ohio Environmental Protection Agency  
Edward Fasko, Ohio Environmental Protection Agency, Northeast District Office

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	<b>NOTICE OF VIOLATION AND FINDING OF VIOLATION</b>
Ross Incineration Services, Inc.	)	
Grafton, Ohio	)	EPA-5-12-OH-11
	)	
Proceedings pursuant to the Clean Air Act,	)	
<u>42 U.S.C. §§ 7401 et seq.</u>	)	

**NOTICE AND FINDING OF VIOLATION**

Ross Incineration Services, Inc. (RIS or you) owns and operates a hazardous waste incinerator at RIS's facility at 36790 Giles Road, Grafton, Ohio (Facility).

The U.S. Environmental Protection Agency is sending this Notice of Violation and Finding of Violation (NOV/FOV) to you for: (1) violation of 40 C.F.R. § 63.1219(a)(1)(ii) as set forth in the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors (hereinafter, the HWC MACT) at the Facility between October 11, 2011, and December 6, 2011; and (2) violation of 40 C.F.R. § 63.1207(b)(1). The underlying statutory and regulatory requirements include provisions of the Clean Air Act (CAA) and the HWC MACT.

Section 113 of the CAA provides you with the opportunity to request a conference with us to discuss the violations alleged in the NOV/FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for RIS's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

**Explanation of Violations**

The following provides a description of the regulations RIS violated and how RIS violated them:

1. Pursuant to 40 C.F.R. § 63.1219(a)(1)(ii), the owner or operator of a hazardous waste incinerator not equipped with either a waste heat boiler or dry air pollution control system must not discharge or cause combustion gases to be emitted into the atmosphere that contain dioxins and furans in excess of 0.40 nanogram toxic equivalent per dry standard cubic meter, corrected to 7 percent oxygen (ng TEQ/dscm @ 7% O<sub>2</sub>).
2. Pursuant to 40 C.F.R. § 63.1219(a)(2), the owner or operator of a hazardous waste incinerator must not discharge or cause combustion gases to be emitted into the atmosphere that contain mercury in excess of 130 micrograms per dry standard cubic meter, corrected to 7 percent oxygen.

3. Pursuant to 40 C.F.R. § 63.1206(a)(1)(ii)(A), the owner or operator of an existing hazardous waste incinerator was required to comply with the emission standards under 40 C.F.R. § 63.1219 and the other requirements of the HWC MACT no later than the compliance date, October 14, 2008.
4. Pursuant to 40 C.F.R. § 63.1207(b)(1), the owner or operator of a hazardous waste incinerator must conduct a comprehensive performance test (CPT) to demonstrate compliance with the emission standards in the HWC MACT.
5. Pursuant to 40 C.F.R. § 63.1207(d)(1), the owner or operator of a hazardous waste incinerator must commence testing no later than 61 months after the date of commencing the previous CPT used to show compliance with § 63.1219. If the owner or operator submits data in lieu of the initial performance test, the owner or operator must commence the subsequent CPT within 61 months of commencing the test used to provide the data in lieu of the initial performance test.
6. RIS commenced its previous CPT on February 6, 2006.
7. On October 11, 2011, RIS commenced a CPT on the hazardous waste incinerator at the Facility.
8. On October 12, 2011, RIS completed a CPT on the hazardous waste incinerator at the Facility.
9. As part of the October 2011 CPT, RIS conducted a dioxin/furan performance test using EPA Publication SW-846 Method 0023A. RIS conducted the CPT under two operating conditions. The average dioxin/furan emission concentration during the first operating condition, which was performed on October 12, 2011, was 0.512 ng TEQ/dscm @ 7% O<sub>2</sub>. The average dioxin/furan emission concentration during the second operating condition, which was performed on October 11, 2011, was 0.761 ng TEQ/dscm @ 7% O<sub>2</sub>.
10. On December 6, 2011, RIS received the preliminary results of the October 2011 CPT and shut down its hazardous waste incinerator.
11. On January 10, 2012, RIS submitted the final test report. The final results of the dioxin/furan tests matched the preliminary results.
12. On December 9, 2011, EPA approved a maximum total chlorine feed rate limit of 250 pounds per hour as an interim operating parameter limit for RIS's incinerator. On or about December 10, 2011, RIS resumed operation of its hazardous waste incinerator in accordance with this interim operating parameter limit.
13. RIS violated 40 C.F.R. § 63.1219(a)(1)(ii) on each day of operation between October 11, 2011, and December 6, 2011, by discharging combustion gases into the atmosphere that

contained dioxins and furans in excess of 0.40 ng TEQ/dscm at 7% O<sub>2</sub> from its hazardous waste incinerator at the Facility.

14. Pursuant to 40 C.F.R. § 63.1207(m)(1), the owner or operator of a hazardous waste incinerator need not perform a mercury performance test as part of a CPT if: (1) the maximum theoretical emission concentration (MTEC) for mercury, as determined in accordance with 40 C.F.R. § 1207(m)(1)(i), does not exceed the mercury emission standard; (2) the owner submits the information required by 40 C.F.R. §§ 63.1207(m)(1) and 63.1207(f)(1)(xvi) in the CPT plan; and (3) pursuant to 40 C.F.R. § 63.7, the Administrator has waived the requirement to conduct a mercury performance test.
15. RIS's October 2011 CPT did not test include a mercury performance test.
16. At no time since the February 2006 CPT has RIS performed a mercury performance test as part of a CPT for the incinerator.
17. On March 2, 2010, RIS submitted its CPT plan to EPA and Ohio Environmental Protection Agency (Ohio EPA). In response to the agencies' comments and the discussions during conference calls regarding the CPT plan, Ross revised the CPT plan on November 1, 2010, and January 24, February 10, and March 15, 2011.
18. On March 8, 2011, the Ohio EPA approved a 6-month extension to commence the CPT.
19. RIS did not demonstrate in its original CPT plan or revisions thereto that the mercury MTEC is less than the applicable mercury emission standard in 40 C.F.R. § 63.1219(a)(2).
20. RIS's CPT plan does not include the information specified in 40 C.F.R. §§ 63.1207(m)(1) and 63.1207(f)(1)(xvi).
21. The EPA Administrator did not waive, pursuant to 40 C.F.R. § 63.7, the requirement for RIS to conduct a mercury performance test as part of its CPT.
22. RIS violated 40 C.F.R. § 63.1207(b)(1) on each day of operation on and after September 6, 2011, by failing to conduct a mercury performance test on the hazardous waste incinerator at the Facility.

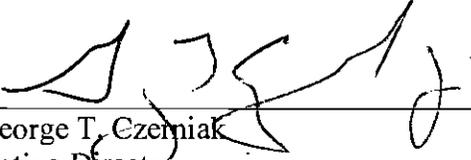
### **Environmental Impact of Violations**

23. 2,3,7,8-tetrachlorodibenzo-para-dioxin (2,3,7,8-TCDD) causes chloracne in humans, a --- severe acne-like condition.- It is known to be a developmental toxicant in animals,--- causing skeletal deformities, kidney defects, and weakened immune responses in the offspring of animals exposed to 2,3,7,8-TCDD during pregnancy. EPA has classified 2,3,7,8-TCDD as a probable human carcinogen (Group B2).

24. Acute exposure to high levels of elemental mercury in humans results in central nervous system (CNS) effects such as tremors, mood changes, and slowed sensory and motor nerve function. Chronic exposure to elemental mercury in humans also affects the CNS, with effects such as irritability, excessive shyness, and tremors.

Date

3/8/12



George T. Czerniak  
Acting Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, Number EPA-5-12-OH-11, by Certified Mail, Return Receipt Requested, to:

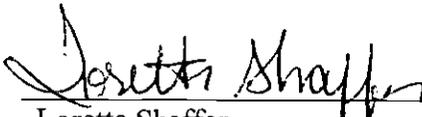
James Larson, President  
Ross Incineration Services, Inc.  
36790 Giles Road  
Grafton, Ohio 44044-9125

I also certify that I sent copies of the Notice and Finding of Violation by first class mail to:

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
50 West Town Street, Suite 700  
Columbus, Ohio 43215

Ed Fasko, Air Pollution Control Supervisor  
Northeast District Office  
Ohio Environmental Protection Agency  
2110 East Aurora Road  
Twinsburg, Ohio 44087

on the 9 day of March 2012

  
\_\_\_\_\_  
Loretta Shaffer  
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 700911680 0000 76739337

---