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State of Ohio Environmental Protection Agency

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

May 29, 2008

Ms. Kathleen Barch
City of Newark
40 West Main St.
Newark, OH 43055

Re: **City of Newark (complaint investigation)**
Non-notifier, Licking County

Dear Ms. Barch:

Thank you, and to Mr. Trujillo, for your assistance during my inspection at your facility at 40 West Main Street in Newark on May 15, 2008. Ohio EPA had received a complaint (#3293) regarding your facility. Ohio's laws under Chapter 3745 of the Ohio Administrative Code and Chapter 3734 of the Ohio Revised Code establish a system for safe and responsible management of hazardous waste and universal waste such as waste mercury bearing fluorescent lamps. This letter summarizes my findings.

Due to passage of time since the alleged activities on September 6, 2007 (which were not even reported to Ohio EPA until November 2, 2007) it was not possible to verify the activities pictured with the complaint. The person occupying the position of Director of Public Service had changed since then. The two men in the citizen's photo at the dumpster on September 2, 2007 were not recognized by Ms. Barch nor Mr. Trujillo as being current city employees. However, at the time of my visit two intact T-12 type 4-foot fluorescent lamp tubes were noted in the same open solid waste dumpster that is located beside the alleyway behind the city administration building. It was not possible to determine with certainty who may have generated these waste lamp tubes. However, the city did agree to take responsibility for properly managing the lamps since they were in their solid waste dumpster.

Two violations were noted:

1. **Universal Waste Lamp Containers, OAC rule 3745-273-13(D)(1):** Universal Waste Lamps must be contained in packages or containers that are structurally sound, adequate to prevent breakage, and compatible with the lamp contents.

Two waste fluorescent lamp tubes present in the solid waste dumpster at the time of my visit were not properly packaged or contained (and did not belong in the dumpster at all). There was some question as to whether the lamps were generated by the city or by someone else, since the dumpster was open and unsecured in a public alleyway. The city agreed to take responsibility for properly managing the lamps since they were in the city's dumpster. No containers suitable for accumulating universal waste lamps were present on site at that moment.

☞ *Mr. Trujillo taped the lamp tubes together to protect them, and said he would get an appropriate container from Honeywell, who normally handles the city's waste lamps. Please send a photo of such container once it is placed into service.*

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

Ohio EPA is an Equal Opportunity Employer

2. **Universal Waste Lamp Marking, OAC rule 3745-273-14(E):** Lamps or containers or packages of lamps must be labeled with the words, "Universal Waste- Lamp(s)", or "Waste Lamp(s)", or "Used Lamp(s)".

The uncontained but intact waste lamps in question lacked the required markings.

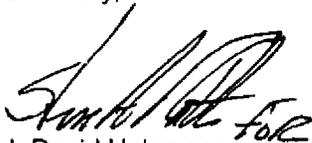
- ☞ Please provide proper labeling/markings of the waste lamp container discussed above, and send a photo showing that you have corrected this problem.

The following comments are also offered:

- ▶ Mr. Trujillo was well informed about proper universal waste management procedures. Although a contractor usually handles the waste lamp generation activities here, a general awareness refresher training on this topic should probably be offered to city employees who may generate wastes that are placed in the dumpster, as an extra precautionary measure
- ▶ The city should also consider placing one or more warning signs on or near the dumpster as a preventive measure, such as: "City of Newark ONLY—No Dumping"; and/or, "No Hazardous or Universal Waste Allowed".
- ▶ Securing the dumpster with a lock should also be considered to reduce or prevent addition of unauthorized waste or dumping by unauthorized persons.
- ▶ A general guidance fact sheet about universal waste lamp management was provided at the time of my visit.
- ▶ For internal tracking purposes only at this time, Ohio EPA will assign a site ID number to the 40 West Main Street facility. Should the City of Newark desire to obtain an active Generator ID number for hazardous waste generation at this address in the future, a notification form should be filed for that purpose.

I look forward to receiving a response within 30 days with the above requested return-to-compliance information. If you have any questions, do not hesitate to call me at (614) 728-3885. Thank you.

Sincerely,



J. David Hohmann
Environmental Specialist
Division of Hazardous Waste Management
Central District Office

c: Kristina Durnell, DHWM/CO
CDO File

JDH/nsm City of Newark NOV

Notice: Ohio EPA's failure to list specific deficiencies/violations in this letter does not relieve your company from general obligations to comply with all applicable regulations.

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to Kristina.Durnell@epa.state.oh.us
or mail it to Kristina Durnell, Central Office

2. Site EPA ID No.	EPA ID Number: unassigned								
3. Site Name	Name: City of Newark		Website: (Optional)						
4. Site Location Information	Street Address: 40 West Main St.								
	City, Town, or Village: Newark		State: OH						
	County Name: Licking		Zip Code: 43055						
5. Site Land Type (check only one)	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input checked="" type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html									
7. Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Kathleen		MI:	Last Name: Barch					
	Phone Number: 740-670-7702			Phone Number Extension:					
	E-Mail Address: kbarch@newarkohio.net								
	Fax Number: 740-349-6809			Fax Number Extension:					
	Street or P.O. Box:								
	City, Town or Village:		State:		Country:		Zip Code:		
8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner:			Date Became Owner (mm/dd/yyyy):					
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box:								
	City, Town or Village:				Owner Phone #:		Zip Code:		
	State:			Country:		Zip Code:			
	Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):				
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box:								
	City, Town or Village:				Operator Phone #:		Zip Code:		
	State:			Country:		Zip Code:			
9. Violations Cited?	<input type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input checked="" type="checkbox"/> Not Regulated				<input type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility									

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))

<input checked="" type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)
<input type="checkbox"/> Destination Facility for Universal Waste	

Check all boxes below that apply for each of the three types of facilities above

Managed	10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
Batteries	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Generator <input type="checkbox"/> Off-Specification Used Oil Burner
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter <input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility <input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Lamps	<input checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Processor
		<input type="checkbox"/> Used Oil Re-refiner

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRA info source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

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12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:	John Trujillo
Tanks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Other Comments: Complaint Investigation inspection	
Containers	<input type="checkbox"/> Yes	<input type="checkbox"/> No		

13. Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
David Hohmann		05/15/2008 1320

~~14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.~~

Signature of Owner, Operator, or an Authorized Representative	Name and Title (Print)	Date (mm/dd/yyyy)
X	X	X

Ohio EPA CDO Division of Hazardous Waste Management Field Report

Site: City of Newark

RCRA ID#: unassigned

Inspection Date: 5/15/2008

Site Contact: Kathy Barch Phone

Location: 40 West Main St. Newark, OH 43055

At this location since: over 30 years Generator Status: Universal Waste Lamp generator

OEPA

Lead Contact: J. David Hohmann, CDO DHWM

Contact Phone: (614) 728-3885 Email: david.hohmann@epa.state.oh.us FAX: (614) 728-3898

Report By: JDH Report Date: 5-23-2008

J. David Hohmann 5-28-08 (Signed)(Date)

Background:

No records of previous complaints or hazardous waste activity notifications were on file regarding this site. No generator ID number has been issued for this facility, which seemed to be a CESQG. An complaint (CDO tracking #3293) was received about this facility dated 11/2/2007. The complainant provided a web link to video that appeared to show waste fluorescent lamp tubes being disposed by a city worker to a solid waste dumpster on September 6, 2007 at about 8 AM. Because the complaint was stale when it was received, I determined to investigate it when time permitted and when I was in that area.

Inspection Summary:

I arrived at 1:20 PM on Thursday May 15, 2008. I walked around the building to attempt to confirm if it matched the setting shown in the photographs from the complainant. I was able to determine that a green dumpster located in the alley to the north of the city administration building, matched the one in the photos.

The lid was open on the dumpster and I could see inside it to note that it contained office-type solid waste, as well as two unbroken T-12 4-foot long glass fluorescent lamp tubes (which would be Universal Waste). I took some photos of the dumpster and its contents.

As I was standing by the dumpster a city worker named John Trujillo introduced himself and I explained the purpose of my visit. We went inside and I met with the city Director of Public Service, Kathy Barch. She was interested in the complaint, and made a photocopy of it. She said she was not working in her current position back in September. Mr. Trujillo told me that Honeywell does lamp maintenance work under contract, and takes all the related waste away with them as Universal Waste. No universal waste lamps were being accumulated on site right now. Mr. Trujillo said there have been problems with unauthorized persons dumping waste into the dumpster, as a building behind it has slowly been renovated.

I recommended that the City secure its dumpster to prevent unauthorized dumping of potential hazardous waste. Also upon my advice, Mr. Trujillo recovered the two lamp tubes from the dumpster and said he would place them in a proper container for recycling by Honeywell (although he did not have a container yet, so he taped the tubes together for some protection).

Mr. Trujillo confirmed that the building staff are informed of proper practices and that they are generally being followed at this time, for Universal Waste Lamp handling.

I thanked Ms. Barch and Mr. Trujillo for their time, and said that I would follow up soon with a letter summarizing my findings. I left the site at 2 PM.

SMALL QUANTITY UNIVERSAL WASTE HANDLER REQUIREMENTS - Lamps

Small Quantity Handler (SQUWH) = 5,000 Kg or less

PROHIBITIONS

1. Did the SQUWH dispose of universal waste? [3745-273-11(A)] Yes No
RMK: Two fluorescent lamp tubes were in the solid waste dumpster. However, there was some question as to who the generator was, since the dumpster was unsecured and in a public area. The City agreed to take responsibility for properly managing the waste lamps in question, since it was in their dumpster. N/A
2. Did the SQUWH dilute or treat universal waste, except when responding to releases as provided in 3745-273-17 or managing specific wastes as provided in 3745-273-13? [3745-273-11(B)] Yes No
N/A

WASTE MANAGEMENT & LABELING/MARKING

UNIVERSAL WASTE LAMPS

8. Does the SQUWH contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and are compatible with contents of the lamps? Are containers or packages closed and do they lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(D)(1)] Yes No
N/A
RMK: Two fluorescent lamp tubes in the solid waste dumpster were not properly packaged or contained. However, there was some question as to who the generator was. The City agreed to take responsibility for properly managing the waste since it was in their dumpster. The Service Director did not claim to recognize the employees in the citizen's photo at the dumpster on September 2, 2007. The City did not have any containers suitable for accumulating Universal Waste Lamps on site at the time of the inspection, but promised to get some.
9. Are lamps that show evidence of breakage, leakage or damage that could cause a release of mercury or hazardous constituents into the environment immediately cleaned up? Are they placed into a container that is closed, structurally sound, compatible with the contents of the lamps, and lack evidence of leakage spillage or damage that could cause leakage or releases of mercury or hazardous waste constituents to the environment? [3745-273-13(D)(2)] Yes No
N/A
RMK: No evidence of broken lamps was observed at the time of the inspection..
10. Are the lamps or containers or packages of lamps labeled with the words "Universal Waste - Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)"? [3745-273-14(E)] Yes No
N/A

ACCUMULATION TIME

11. Is the waste accumulated for less than one year? [3745-273-15(A)] If not: [N/A] Yes No N/A
12. Is the length of time the universal waste is stored documented by one of the following: [3745-273-15(C)]
- a. Marking or labeling the container with the earliest date when the universal waste became a waste or was received? [3745-273-15(C)(1)] Yes No
N/A
- b. Marking or labeling individual item(s) of universal waste with the earliest date that it became a waste or was received? [3745-273-15(C)(2)] Yes No
N/A
- c. Maintaining an inventory system on-site that identifies the date the universal waste became a waste or was received? [3745-273-15(C)(3)] Yes No
N/A
- d. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers became a universal waste or was received? [3745-273-15(C)(4)] Yes No
N/A
- e. Placing the universal waste in a specific accumulation area and identifying the earliest start date or date received? [3745-273-15(C)(5)] Yes No
N/A
- f. Any other method, which clearly demonstrates, the length of time the universal waste has been accumulated from the date it became a waste or was received? [3745-273-15(C)(6)] Yes No
N/A
RMK: Normally the waste lamps were being taken immediately after generation, by the contractor doing the work (Honeywell), for proper management as Universal Waste.

EMPLOYEE TRAINING

13. Are employees who handle or have the responsibility for managing universal waste informed of waste handling/emergency procedures, relative to their responsibilities? Yes No
[3745-273-16] N/A

RMK: Mr. Trujillo seemed to be informed. Since contractors were handling the waste lamps under normal circumstances, the training would appear to be covered that way. However, a comment will address this concern, since the complaint photographs and the findings of the lamp tubes in the dumpster on the day of my visit also raised this question.

RESPONSE TO RELEASES

14. Are releases of universal waste and other residues immediately contained? [3745-273-17(A)] Yes No N/A
15. Is the material released characterized? [3745-273-17(B)] Yes No N/A
16. If the material released is a hazardous waste, is it managed as required in OAC Chapters 3745-50 through 3745-69? (If the waste is hazardous, the handler is considered generator of the waste and is subject to Chapter 3745-52) [3745-273-17(B)] Yes No N/A

OFF-SITE SHIPMENTS

If a SQUWH self-transport waste, they must comply with Universal Waste transporter requirements.

17. Are universal wastes sent to another handler, destination facility or foreign destination? [3745-273-18(A)] *RMK: They are sent to another handler (Honeywell)* Yes No N/A
18. If the universal waste meets the definition of hazardous material under 49 CFR 171-180, are DOT requirements met with regard to package, labels, placards and shipping papers? [3745-273-18(C)] Yes No N/A
19. Prior to shipping universal waste off-site, does the receiver agree to receive the shipment? [3745-273-18(D)] Yes No N/A
20. If the universal waste shipped off-site is rejected by another handler or destination facility does the originating handler do one of the following: [N/A]
21. If a handler rejects a partial or full load from another handler, does the receiving handler contact the originating handler and discuss one of the following: Yes No N/A
22. If the handler received a shipment of hazardous waste that was not universal waste, did the SQUWH immediately notify Ohio EPA? [3745-273-18(G)] Yes No N/A
23. If the handler received a shipment of nonhazardous, non-universal waste, was the waste managed in accordance with applicable law? [3745-273-18(H)] Yes No N/A

EXPORTS

24. Is waste being sent to a foreign destination? If so: Yes No N/A

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