

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Jones, Director

Eval. 001
Inf. 001

DHR 000159418

April 15, 2010

Re: Notice of Violation(s)
Complaint Investigation Findings
New Horizons Computer Learning Centers
Fairborn, Ohio Facility
Greene County

Certified Mail

Mr. James Cox
General Manager
New Horizons Computer Learning Centers, Inc.
1890 Commerce Center Boulevard
Fairborn, Ohio 56324

Dear Mr. Cox:

On April 6, 2010, Ohio EPA's Division of Hazardous Waste Management (DHWM) conducted a complaint investigation at New Horizons Computer Learning Centers facility located at 1890 Commerce Center Boulevard, Fairborn, Ohio. This investigation was conducted in response to a complaint received by Ohio EPA. The complainant alleged that a dumpster full of cathode ray tubes (CRTs)/computer monitors was picked up by an Allied Waste Services garbage truck. The complainant also alleged that a monitor fell out of the dumpster, missed the garbage truck and was lying on the ground in the vicinity of the dumpster. During the investigation, you represented New Horizons Computer Learning Centers Fairborn, Ohio facility while George Strobel and I represented Ohio EPA. The purpose of the investigation was to assess the validity of the complaint and determine whether violations of Ohio's hazardous waste laws exist at this property. As is our practice, the investigation was unannounced.

An evaluation of the dumpster and the surrounding area did not reveal the existence of any CRTs/computer monitors; however, during the investigation you did indicate that current practice is to throw these CRTs along with fluorescent bulbs in the solid waste trash. While inspecting the dumpster, debris from broken fluorescent lamps(s) was identified on the ground adjacent to the dumpster.

Based on the above findings, Ohio EPA inspected New Horizons Computer Learning Centers Fairborn, Ohio facility to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). We found the following violations of Ohio's hazardous waste laws. In order to correct these violations you must do the following and send me the required information **within 30 days** of the date of this letter:

Mr. James Cox
April 15, 2010
Page 6

You must manage your waste lamps either under the universal waste rules or waste lamps must be managed as a hazardous waste under the applicable regulations if the waste exhibits any hazardous waste characteristic. Non-hazardous lamps also can be managed as universal wastes, although the universal waste compliance standards are not required. For more information on how to properly manage hazardous waste lamps, see Ohio's universal waste rules:

<http://www.epa.state.oh.us/dhwm/universalwaste.aspx>.

Electronic Waste (E-Waste)

During the April 6, 2010 investigation, you indicated that New Horizons Computer Learning Centers is planning to replace its remaining 17 CRTs with new flat screen monitors. When your business recycles electronic equipment properly (including donating it for reuse), it is not a waste. Therefore, it is not regulated under Ohio's hazardous waste laws. However, if you have electronic equipment or components such as CRTs that can no longer be used or recycled and you want to dispose of them, they are considered wastes. Wastes must be evaluated to determine if they are hazardous before you dispose of them. Studies on various electronic devices have shown them to be hazardous for the toxicity characteristic for lead (*Environmental Science & Technology*, 2000, Volume 34, Issue 20, pp 4376-4381). All hazardous waste destined for disposal must be sent to a permitted hazardous waste facility and cannot be disposed of in a dumpster or a solid waste landfill. New Horizons Computer Learning Centers should be aware that disposal of hazardous waste in a trash dumpster is illegal and could result in Ohio EPA citing additional violations. Furthermore, a finding of illegal disposal could subject New Horizons Computer Learning Centers to escalated enforcement.

On April 7, 2010 you provided Ohio EPA via email a new "PC Disposal Policy." This policy establishes procedures for disposal and transfer of computer equipment. The policy encourages that all computers be donated to Goodwill or disposed of in accordance with Ohio EPA regulations. Ohio EPA encourages you to donate any CRTs or other electronic equipment for reuse as the environmentally preferred alternative. If equipment cannot be used, another good option is sending equipment to a reputable recycler. For more information, see Ohio EPA's guidance, "Management of Electronic Waste from Businesses," August 2004. A copy of this guidance is included with this letter. Additional information regarding computer and electronics waste reduction and recycling can be found through this link:

<http://www.epa.state.oh.us/ocapp/p2/recyc/comprc.aspx>.

C. SUMMARY

In order to abate the above violations, please respond **within 30 days** from the date of this letter with the requested information. It is important that you immediately implement practices (i.e. PC Disposal Policy) to make certain that you comply with the laws and

Mr. James Cox
April 15, 2010
Page 7

rules of hazardous waste management. Remember that you want to maintain records to show that you are complying with the rules. Please be reminded that all New Horizons Computer Learning Centers shall engage in best management practices to minimize long-term liability of the operation due to damage that may occur to staff, public, and the environment. Employee health and safety requirements related to this process must be established and maintained.

Ohio EPA has an online Generator Handbook with more detailed information and links at http://www.epa.state.oh.us/dhwm/pdf/gen_handbook.pdf. Should you have any questions, please feel free to call me at (937) 285-6456. You can find copy of the rules and other information on the division's web page at <http://epa.state.oh.us/dhwm>.

Sincerely,



Jeffery H. Stark
District Representative
Division of Hazardous Waste Management

Enclosures: "Management of Electronic Waste from Businesses," August 2004
"Universal Waste," December 2004
"Universal Waste Rules for Handlers of Lamps," June 2005
"Identifying Your Hazardous Waste," November 2006
"Fluorescent Lamps: What Should you Know," January 2007
"Computer, Fluorescent Lamp and Ballast Recyclers," March 2010
List of Ohio Commercial Facilities Accepting Hazardous Waste

cc: **New Horizons Computer Learning Centers, Inc.**
Mark Miller, President and Chief Executive Officer
David Warnock, Chairman of the Board
Charles Mallon, Executive Vice President, Chief Financial Officer
Howard Mark, Senior Vice President, Chief Information Officer
Timothy Kleczka, Senior Vice President, Operations
Heidi Rose, Senior Vice President, Marketing
Gregory Marsella, Vice President, General Counsel
Darius Shey, Group Vice President, International
Ron Nall, Group Vice President, Americas
Shelley Morris, Group Vice President, Strategic Relations

cc: Debbie Leopold, Director, Greene
County Combined Health District
Don Baer, Allied Waste Services
SWDO-DHWM/SWDO File

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.

JHS\bp

