

**Environmental
Protection Agency**

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

Fid. 601

Ent. 401

October 5, 2010

Mr. Don Roush
Upper Valley Medical Center
3130 N. Dixie Highway
Troy, Ohio 45373

RE: Hazardous Waste Inspection, Upper Valley Medical Center – OHR000029603

Dear Mr. Roush:

On September 23, 2010, Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM) and Division of Hazardous Waste Management (DHWM) conducted an inspection of Upper Valley Medical Center (UVMC). Deanne Rhoades and you represented UVMC during the inspection. Jill Olberding, DSIWM represented the Ohio EPA during the infectious waste portion of the inspection. Ms. Olberding will address any infectious waste issues observed during the inspection in a separate letter. I represented the Ohio EPA during the hazardous waste portion. The purpose of the hazardous waste inspection was to determine UVMC's compliance with Ohio hazardous waste laws as found under Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

We inspected the Lab, Pharmacy, X-ray, and the Cancer Care Clinic. We did not inspect the Dialysis Center. During the inspection, it was discovered that the Pharmacy places all hazardous waste pharmaceuticals into a medical waste container that is picked up by and subsequently incinerated by Stericycle. Stericycle is not a registered hazardous waste transporter or permitted as a hazardous waste disposal facility.

Based in the inspection, Ohio EPA has determined that UVMC has violated the following hazardous waste regulation:

ORC 3734.02(F): No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any permitted hazardous waste facility.



UVMC has caused hazardous waste to be sent off-site by a transporter that is not registered to transport hazardous waste. The hazardous waste was managed by a facility that does not maintain a hazardous waste facility operation permit. **Therefore, UVMC is in violation of ORC 3734.2(F).**

To return to compliance, immediately begin managing and disposing of hazardous waste appropriately.

During the inspection, we discussed UVMC's need to determine its hazardous waste generation status. UVMC has one hazardous waste identification number for the entire hospital campus. Therefore, any hazardous waste generated on site, regardless of the location, should be counted toward UVMC's monthly generation status. UVMC's monthly generation will determine the hazardous waste regulations UVMC must comply with. At a minimum, UVMC is required to properly characterize its wastes and properly dispose of all hazardous wastes.

I have enclosed a summary table of generator requirements. The following links will take you to three guidance documents (Identifying Your Hazardous Waste, Use of Generator Knowledge, and the Hazardous Waste Generator Handbook) and to DHWM's home page.

<http://www.epa.ohio.gov/portals/41/sb/publications/identifyingwaste.pdf>

<http://www.epa.ohio.gov/portals/32/pdf/GeneratorKnowledge6.pdf>

http://www.epa.ohio.gov/portals/32/pdf/gen_handbook.pdf

<http://epa.ohio.gov/Default.aspx?alias=epa.ohio.gov/dhwm>

I did not conduct a full hazardous waste inspection because UVMC does not know its hazardous waste generator status. This does not relieve UVMC from complying with all applicable hazardous waste laws. Please be aware, additional hazardous waste violations may be cited based on UVMC's generator determination.

Upper Valley Medical Center
October 5, 2010
Page 3

I will conduct a follow up inspection to verify UVMC's correction of the above violation along with determining UVMC's compliance with other hazardous waste regulations. Should you have any questions, please either call me at (937) 285-6093 or email me at cathy.altman@epa.state.oh.us.

Sincerely,



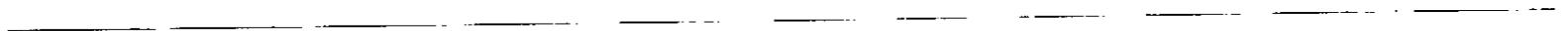
Cathy L. Altman
Division of Hazardous Waste Management

cc: DHWM Data Entry/Facility File
Jill Olberding, DSIWM

CA/ca

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.



Hazardous Waste Generator Requirement Summary Table

Generator Requirements and OAC reference	Generator Category		
	CESQG	SQG	LQG
Monthly Generation 3745-52-34	≤ 1 kg acute hazardous waste ≤ 100 kg hazardous waste	> 100 kg and < 1,000 kg hazardous waste	> 1 kg acute hazardous waste ≥ 1,000 kg hazardous waste
Total Accumulation On-site 3745-52-34	≤ 1 kg acute hazardous waste ≤ 1,000 kg hazardous waste	> 100 kg and < 6,000 kg hazardous waste	> 1 kg acute hazardous waste ≥ 6,000 kg hazardous waste
Hazardous Waste Determination 3745-52-11	Required through process knowledge or analysis (documentation required)	Required through process knowledge or analysis (documentation required)	Required through process knowledge or analysis (documentation required)
EPA ID Number 3745-52-12	No applicable requirement	Required	Required
Accumulation Time 3745-51-05 3745-52-34	None 3745-51-05	180 days or 270 if the TSDF is > 200 miles away (30 day extension also available) 3745-52-34(D) to (F)	90 days (30 day extension also available) 3745-52-34(A)
Generator Treatment 3745-52-34	Permissible on-site but must follow LQG requirements	Can treat hazardous waste on-site for up to 180 days	Can treat hazardous waste on-site for up to 90 days
Satellite Accumulation 3745-52-34	No applicable requirement	Up to 55 gallons of non-acute or 1 quart of acutely hazardous waste at or near the point of generation	Up to 55 gallons of non-acute or 1 quart of acutely hazardous waste at or near the point of generation
Container Management 3745-66-70 to 77	No applicable requirement	Good condition compatible with waste labeled as hazardous waste maintain aisle space and lids conduct weekly inspections label accumulation start date (unless a satellite accumulation area)	Good condition compatible with waste labeled as hazardous waste maintain aisle space and lids subparts AA, BB and CC apply conduct weekly inspections label accumulation start date (unless a satellite accumulation area)
Tank Management 3745-66-90 to 99 and 3745-66-101	No applicable requirement	Good condition compatible with waste labeled as hazardous waste accumulation start date tracked daily inspections 3745-66-101	Good condition compatible with waste labeled as hazardous waste accumulation start date tracked daily inspections subparts AA, BB and CC apply secondary containment is required

Hazardous Waste Generator Requirement Summary Table

Generator Requirements and OAC reference	Generator Category		
	CESQG	SQG	LQG
Pre-Transport Requirements 3745-52-30 to 33	No applicable requirement	Packaging Labeling Marking Placarding	Packaging Labeling Marking Placarding
Personnel Training 3745-65-16	No applicable requirement	All employees must be thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities 3745-52-34(D)(5)(c)	Required with annual refresher
Emergency Equipment 3745-65-30 to 37	No applicable requirement	Internal communication or alarm system Telephone or two-way radio Fire, spill control and decontamination equipment	Internal communication or alarm system Telephone or two-way radio Fire, spill control and decontamination equipment
Emergency Procedures & Contingency Plan 3745-65-51 to 56	No applicable requirement	Written plans are not required. Emergency procedures required 3745-52-34(D)(5)(d)	Written contingency plan and emergency procedures required
Recordkeeping 3745-52-40	Records of waste evaluation	Manifests LDR notification Exception reports Waste evaluation (kept on-site for at least 3 years)	Manifests LDR notification Exception reports Training records Annual reports Waste evaluation (kept on-site for at least 3 years)
Manifesting 3745-52-20 to 23	No applicable requirement	Required	Required
Exception Reports 3745-52-42	No applicable requirement	Notify and send a copy to Ohio EPA within 60 days	Contact the transporter and/or destination facility within 35 days and send report to Ohio EPA within 45 days
Land Disposal Restriction Determination 3745-270-07	No applicable requirement	Determine if waste must be treated before it can be land disposed (or write on manifest that a determination has not been made)	Determine if waste must be treated before it can be land disposed (or write on manifest that a determination has not been made)
Land Disposal Restriction Notification 3745-270-07	No applicable requirement	One-time written notice to each TSDF receiving your hazardous waste	One-time written notice to each TSDF receiving your hazardous waste
Annual Reports 3745-52-41	No applicable requirement	No applicable requirement	Required by March 1st

Hazardous Waste Generator Recordkeeping Requirements Table

Recordkeeping Requirements (and OAC references)	Generator Category		
	CESQG	SQG	LQG
Hazardous Waste Determination 3745-52-40(C)	No records specifically required, but must be able to show compliance with 3745-52-11.	Required through process knowledge or analysis. Documentation required for at least three years.	Required through process knowledge or analysis. Documentation required for at least three years.
Inspections for areas where containers are stored. 3745-66-74(B)	Records not required	Must inspect areas where containers are stored, at least weekly, and record inspections in an inspection log or summary.	Must inspect areas where containers are stored, at least weekly, and record inspections in an inspection log or summary.
Manifest 3745-52-23	Records not required	Retain a signed copy for at least three years.	Retain a signed copy for at least three years.
Exception Report 3745-52-40(B)	Records not required	Record not required. Place note on manifest.	Retain a copy for at least three years from due date.
LDR Notifications, Certifications and Waste Analysis Data 3745-270-07	Records not required	Retain on-site for at least three years all notices, certifications, waste analysis data and other documentation pursuant to this rule.	Retain on-site for at least three years all notices, certifications, waste analysis data and other documentation pursuant to this rule.
Emergency Equipment 3745-65-33	Records not required	Record inspections of emergency in a log or summary.	Record inspections of emergency in a log or summary.
Annual Reports 3745-52-40(B)	Records not required	Records not required	Retain a copy for at least three years from due date.
Personnel Training Documents 3745-65-16(E)	Records not required	No records specifically required, but generators must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures. 3745-52-34(D)(5)(c)	Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility.
Tank Inspection Logs 3745-66-95(C)	Records not required	Must record tank inspections in an operating log.	Must record tank inspections in an operating log.

Note:

The retention period is automatically extended during the source of any unresolved enforcement action regarding the regulated activity or as requested by the director.

