



Environmental  
Protection Agency

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Env. 001

CAF. 001

March 9, 2011

Mr. Martin Crump  
Kroger Store #935  
6480 Wilmington Pike  
Centerville, Ohio 45459

RE: Kroger Store # 935 Complaint

OHR000142380

Dear Mr. Crump:

On February 23, 2011, Ohio EPA's Division of Hazardous Waste Management (DHWM) conducted an investigation at the Kroger Store(#935) located at 6480 Wilmington Pike Centerville, Ohio. This investigation was conducted in response to a complaint received at our office concerning fluorescent lamps stored in open boxes behind the store. The purpose of the investigation was to determine whether violations of Ohio's hazardous waste laws exist at this property.

Ohio EPA verified the existence of an open box of fluorescent lamps behind the store sitting in a grocery cart. Ohio EPA also discovered approximately twenty 8' and 4' fluorescent lamps stored without boxes in two grocery carts behind the store. During the investigation you informed Ohio EPA that employees are to put fluorescent lamps in boxes in a back room of the store. You were not aware of the lamps being stored outside behind the store. At the time of the investigation the lamps were moved inside.

Based on these observations Kroger is in violation of the following hazardous waste rules:

1. **OAC Rule 3745-273-13(D)(1) Waste management – standards for small quantity handlers of universal waste:** A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

Kroger failed to comply with this regulation in that they were storing spent fluorescent lamps in an open box and loosely in a grocery cart and not in a container that meets the requirements of this rule. Kroger must immediately start collecting spent lamps in containers as required by this rule. **Please submit documentation to this office correcting this violation by March 31, 2011.**



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2. **OAC Rule 3745-273-14(E) Labeling/marking- standards for small quantity handlers of universal waste:** Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste- Lamps(s)", or "Waste Lamps(s)", or "Used Lamps(s)."

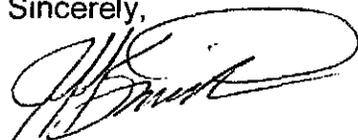
Kroger failed to comply with this regulation in that spent fluorescent lamps were stored in a box marked "Burnt out" and additional spent lamps were collected loosely in grocery carts without any markings. Kroger must immediately begin collecting spent lamps in containers marked or labeled with the phrase required by this rule. **Please submit documentation to this office correcting this violation by March 31, 2011.**

### General Comment

On February 25, 2011 I talked with Mr. Dan Rose, Maintenance Manager at your corporate office. He stated that fluorescent lamps are picked up from the stores and are taken for recycling. The Kroger Company needs to be aware that all stores where spent lamps are generated must follow the requirements for small quantity handlers of universal waste. This includes packaging, labeling, storage time limits and employee training requirements per Ohio Administrative Code 3745-273.

You can find Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>. Please feel free to call me at (937) 285-6070 if you have any questions.

Sincerely,



Jeff Smith  
District Representative  
Division of Hazardous Waste Management

Enclosure

cc: (DHWM/SWDO File )  
George Strobel, DHWM, SWDO  
Dan Rose, Maintenance Manager, The Kroger Company

JS/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 applicable regulations.

