



State of Ohio Environmental Protection Agency

Northeast District Office

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 23, 2010

Steve Zehnder
Manager, Plant Engineering & Facilities
Mercy Medical Center
1320 Mercy Drive, NW
Canton, Ohio 44708

RE: MERCY MEDICAL CENTER, OHR000014548, STARK COUNTY, COMPLAINT INVESTIGATION #7261, PARTIAL RETURN TO COMPLIANCE

Dear Mr. Zehnder:

Thank you for your December 8, 2009 response to Ohio EPA's November 12, 2009 Notice of Violation (NOV) letter. You submitted information and documentation including:

- A narrative from Mercy Medical Center (MMC) itemizing the documentation and information submitted to Ohio EPA in response to the NOV.
- A copy of hazardous waste manifest #006077782 JJK dated September 30, 2009, demonstrating the seven (7) containers (3500 pounds) of hazardous waste have been shipped off-site to Lighting Resources, LLC.
- A signed copy of hazardous waste manifest #006077782 JJK, signed by the designated facility.
- A copy of purchase order #810479-0M for the transportation of the crushed lamps (D009).
- A copy of a straight bill of lading from Lighting Resources for "used fluorescent lamps for recycling" dated Sept 30, 2009.
- A copy of a letter and certificate of recycling from Lighting Resources.
- A copy of an e-mail dated October 22, 2009 regarding Recycling order confirmation #104056 and associated documents.
- A copy of hazardous waste manifest # 006077863 JJK dated November 2, 2009.
- A copy of order # 01044056 for the pick-up of one drum of crushed lamps, dated November 30, 2009.
- A copy of invoice #9764 from Chemical Analytics, dated November 6, 2009 for waste shipped off-site on October 27, 2009.
- Copies of Hazardous waste manifest #000466114 GBF dated October 27, 2009, for lamp ballasts shipped to Environmental Recycling.
- Copies of Hazardous waste manifest #000923880 GBF, dated October 27, 2009, for waste shipped to Chemical analytics and the associated Land Disposal Restriction form and documentation.
- Six (6) black and white copies of photographs demonstrating the current management of the lab waste and Bench mark waste.
- Three (3) black and white copies of photographs demonstrating the current management of the spent fluorescent lamps as Universal Waste Lamps.
- Three (3) black and white copies of photographs and documentation demonstrating the posting of the emergency information by the telephone.

- Copies of inspection log sheets for the emergency equipment and hazardous waste accumulation area, including photograph demonstrating the existence and locations of the emergency equipment.

My review of this documentation reveals MMC has adequately demonstrated abatement of the following state hazardous waste violations cited in Ohio EPA's November 12, 2009 NOV letter:

OAC Rule 3745-52-34(A)(3) Labeling

OAC Rule 3745-52-34(A)(2) Accumulation Date

OAC Rule 3745-66-73(A) Management of containers

OAC Rule 3745-65-35 Required aisle space

OAC Rule 3745-66-74 Inspections:

OAC Rule 3745-65-33 Testing and maintenance of equipment

OAC Rule 3745-52-34(D)(5)(b) Emergency Information

Based on the documentation submitted, Ohio EPA has determined that MMC has violated the following state hazardous waste regulation:

1. **OAC Rule 3745-52-20(A)(1) Manifest - general requirements:** *A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, must prepare a manifest ("OMB" control number 2050-0039), U.S. EPA form 8700-22, and if necessary, U.S. EPA form 8700-22A (the continuation sheet), according to the instructions included in the appendix to 40 CFR Part 262.*

MMC submitted shipping documentation to this office in the form of Hazardous Waste manifest #006077782 JJK demonstrating the seven (7) containers of crushed lamps had been shipped off-site as a hazardous waste for recycling. MMC failed to properly complete the manifest by omitting the following information:

- ☞ **Section 1. Generator's U.S. EPA Identification Number** – MMC failed to include its EPA ID number on the top of the manifest form.
- ☞ **Section 11. Total Quantity** – MMC failed to fill in the total quantity on the generator copy of the manifest. The return to generator copy has been filled in. However, MMC must complete the manifest form when the waste is being shipped. Reasonably accurate estimates are allowable and may be corrected by the designated facility when received, in Section 18a. of the manifest.
- ☞ **Section 13. Waste Codes** – MMC failed to fill in the waste code for the crushed fluorescent lamps (D009) and instead put the words "non-RCRA" in this area which is a contradiction to the description of the waste as a Hazardous Waste.

To demonstrate abatement of this violation, MMC must correct the manifest as stated above (except for the Total Quantity which was been filled in by the designated facility after the shipment) and submit to this office and to the designated facility copies of the corrected manifest for their records. MMC will also submit to this office a brief narrative regarding the manifest, who filled it out and why the information was omitted.

I have enclosed a copy of the Appendix to 40 CFR Part 262 for your records.

MMC must also submit to this office a copy of the Land Disposal Restriction form for the crushed lamps (D009) sent to Lighting Resources for recycling.

MMC remains in violation of the following state hazardous waste regulation:

1. **Ohio Revised Code (ORC) § 3734.02 (E) and (F) storage of hazardous waste without a facility installation and operation permit:**

Since MMC violated ORC § 3734.02(E) and (F), MMC is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have MMC begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Please submit all of the requested documentation to my attention within thirty (30) days of receipt of this letter demonstrating that all issues have been addressed.

Failure to list specific deficiencies in this communication does not relieve MMC from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve MMC from liability for any past or present violations of the state's hazardous waste laws.

Should you have any questions, please feel free to call me at (330) 963-1181.

Sincerely,



Suzanne Prusnek
Environmental Specialist
Division of Hazardous Waste Management

SP:ddw

Enclosures

ec: Frank Popotnik, DHWM, NEDO, OEPA
Harry Sarvis, DHWM, CO, OEPA
cc: Todd Anderson, Legal, CO
Natalie Oryshkewych, DHWM, NEDO