



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Kenton City Schools
Hardin County
Compliance Evaluation Inspection
2nd NOV

March 18, 2010

Certified Mail 7007 2560 0000 4485 8110

Mr. Doug Roberts, Superintendent
Kenton City Schools Board of Education
222 West Carrol Street
Kenton, Ohio 43326

Dear Mr. Roberts:

On December 8, 2009, I, representing the Ohio Environmental Protection Agency (Ohio EPA) conducted a compliance evaluation inspection of the three different locations associated with Kenton City Schools (KCS) located at the addresses stated below. I inspected KCS 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). I sent you a Notice of Violation (NOV) letter on December 24, 2009, specifying the violations observed during the inspection. To date, KCS has failed to respond to the December 24, 2009, NOV letter and remains in violation of the following:

- A. **Kenton High School (OHD986977981)**
200 Harding Avenue
Kenton, Ohio 43326

The Kenton High School generates spent bulbs. As stated previously most of the bulbs have been replaced with Ecolux bulbs. I found the following violation of Ohio's hazardous waste laws at this location. You must provide me the requested information within 7 days of receipt of this letter.

1. OAC Rule 3745-52-11: Waste Evaluation

Any person, who generates a waste, as defined in Rule 3745-51-02 of the administrative code, must determine if that waste is a hazardous waste.

Kenton High School (KHS) has failed to properly evaluate the spent Ecolux bulbs generated at the facility.

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During the inspection, you stated that in the past KHS has disposed of the spent Ecolux bulbs in the trash. Ecolux bulbs are used through the Kenton City Schools. KCS must not dispose of any spent light bulbs as non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

The information regarding the mercury levels in the spent lamps (Ecolux) that Dough Comstock provided via email on 12/18/2009 is inadequate to demonstrate compliance with OAC Rule 3745-52-11 for the following reasons:

- a) There is no discussion regarding other potential hazardous characteristics which may be in the lamp that could exhibit a characteristic, e.g., lead, cadmium and barium. If such information from the manufacturer can be obtained regarding the existence of other potential characteristics, that must be included in the generator's demonstration.
- b) The information regarding the sampling of the lamps is incomplete. OAC Rule 3745-52-11 seeks the characterization of generated wastes. The information submitted does not make clear that the lamps analyzed for mercury were spent or new. There may be potential differences in leaching of mercury from spent lamps versus new (unused) lamps.
- c) Furthermore regarding the sampling for mercury, only 20 lamps were sampled which may not be representative for this waste stream based off a production run. Additionally, no information was provided as to the manufacturing process. For example, how mercury is introduced into the lamp and what the range of levels may be.

Furthermore, the Ohio EPA letter dated October 4, 1999, addressed only mercury as a potential contaminant and did not include other potential contaminants as stated previously.

The waste evaluation must be conducted through one of **three options**:

- 1) KHS may apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation [manufacturer analytical information – Toxicity Characteristic Leaching Procedure (TCLP) test results], or

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- 2) KHS may take a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. KHS must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs.

KHS must sample the fluorescent bulbs to determine the concentration of mercury (D009), cadmium (D006) and lead (D008) as listed in the OAC Rule 3745-51-24 following the method as outlined in U.S. EPA's SW-846. KCS may run a total concentration for these constituents as a screening tool.

If the concentration is detected for mercury, lead or cadmium at or above the regulatory limit, a TCLP may be required to ensure this constituent is not present above the Ohio EPA regulatory level; or

- 3) a combination of options 1 and 2.

If the bulbs are determined to be hazardous through a proper waste evaluation, KHS will have to manage their bulbs either as 1) a universal waste (OAC Chapter 3745-273) or 2) as a hazardous waste under Ohio's generator standards (OAC Chapter 3745-52). ***Instead of taking samples for analysis as described above, KCS may recycle their bulbs if they are hazardous or non-hazardous by managing them as universal waste. Ohio EPA would encourage this option as a pollution prevention alternative. Please refer to the information I gave you on how to manage light bulbs as universal waste.***

To abate this violation, KHS must inform me in writing as to how the facility plans to manage the spent fluorescent light bulbs and other spent light bulbs.

To confirm the validity of your data, you may use Ohio EPA's tier 1 data validation plan review form which can be obtained from Ohio EPA's web page: http://www.epa.state.oh.us/dhwm/tier_i_data_validation_manual.html.

Ohio EPA may request the documentation needed to confirm the validity of the data submitted. Please submit a brief narrative of each sampling event which includes: sampling techniques used to obtain the sample and a description of how this sample was determined to be a representative sample of the waste tested.

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Please note, if the waste is hazardous, you must evaluate it to determine if it is restricted from land disposal in accordance with OAC Chapter 3745-270. In addition, you must properly dispose of or recycle the waste. A copy of the waste disposal documentation and EPA waste codes applicable to the waste must be submitted to me at the Ohio EPA, Northwest District Office (NWDO) prior to disposal.

**B. Kenton City Schools Maintenance Building (No ID.)
300 Harding Avenue
Kenton, Ohio 43326**

Small Quantity Universal Waste Handler – of spent lamps other than Ecolux bulbs generated during routine maintenance activities. The maintenance building generates less than one bulb per month. Ecolux bulbs generated are disposed of as solid waste.

1. OAC Rule 3745-52-11: Waste Evaluation

Any person, who generates a waste, as defined in Rule 3745-51-02 of the administrative code, must determine if that waste is a hazardous waste.

Kenton City Schools Maintenance Building has failed to properly evaluate the spent Ecolux bulbs generated at the Kenton City Schools Maintenance Building.

To conduct a proper waste evaluation follow the instructions stated above for Kenton High School.

**C. Kenton City Schools Maintenance Garage (No ID.)
1000 East Columbus
Kenton, Ohio 43326**

KCS Maintenance Garage (MG) generates approximately 10 gallons of used oil monthly during routine maintenance activities of school vehicles. In addition, MG generates less than one gallon per month of spent solvent (D001) from a seldom-used parts washer. The spent solvent is added to the used oil prior to being sent to be recycled. At the time of this inspection, MG was a conditionally exempt small quantity generator of hazardous waste.

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1. OAC Rule 3745-52-11: Waste Evaluation

Any person, who generates a waste, as defined in Rule 3745-51-02 of the administrative code, must determine if that waste is a hazardous waste.

- a) Kenton City Schools Maintenance Garage has failed to properly evaluate the spent Ecolux bulbs generated at the Kenton City Schools Maintenance Building.

To conduct a proper waste evaluation follow the instructions stated above for Kenton High School.

2. OAC Rule 3745-279-22(C)(1): Used Oil – Labeling

Containers, aboveground tanks and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "Used Oil."

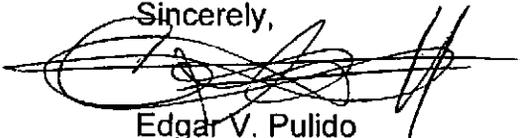
All containers storing used oil were not properly labeled with the words "used oil" at the time of the inspection.

This violation was abated during the inspection.

To abate the outstanding violations, KCS must, within **7 days** of receipt of this letter, inform me in writing as to how the facility plans to manage the spent light bulbs.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3015.

Sincerely,



Edgar V. Pulido
Division of Hazardous Waste Management

/cs

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
DHWM, NWDO File: Kenton City Schools - Hardin Co.
ec: Ed Pulido, DHWM, NWDO

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.
