



State of Ohio Environmental Protection Agency

Southeast District Office

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April 7, 2009

**LAWRENCE COUNTY
RIVER VALLEY HOSPITAL
DHWM/SEDO
NON-NOTIFIER**

Mr. Kevin Halter, Vice President
Our Lady of Bellefonte Hospital
Saint Christopher Drive
Ashland, KY 41101

Dear Mr. Halter:

On February 5, 2008 and March 19, 2008, Ohio EPA inspected the River Valley Hospital in Ironton, Ohio to determine compliance with Ohio's environmental rules and regulations. As a result of these inspections, Notice of Violation (NOV) letters were sent to you from the Division of Hazardous Waste Management on February 26, 2008, April 10, 2008 and January 7, 2009. On September 9 and September 25, 2008, Clint Shuff and I conducted follow-up inspections at the River Valley Hospital. I represented the Division of Hazardous Waste Management and Clint Shuff represented the Division of Solid and Infectious Waste Management. The purpose of these follow-up inspections was to investigate the removal and disposal of hazardous and infectious wastes before demolition of the building. Demolition of the hospital has now been completed.

On December 11, 2008, Ohio EPA received a copy of one manifest and other disposal records for the hazardous wastes and other wastes sent off-site from River Valley Hospital. Additional waste evaluation and disposal records were received by this office on March 30, 2009. The documentation submitted to date represents most of the wastes sent off-site from the hospital. However, not all wastes were included on the manifests and disposal records. See Ohio EPA's February 26, 2008 and April 10, 2008 NOV letters for a complete listing of wastes observed during our previous inspections.

Our Lady of Bellefonte Hospital (OLBH) failed to provide adequate documentation and remains in violation of the following hazardous waste law:

- (1) **OAC 3745-52-11, Hazardous Waste Determination:** Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

To abate this violation, please send complete documentation **within 30 days** of your receipt of this letter that the remaining wastes have been properly identified and disposed of or recycled. These wastes include, but are not limited to the following: electronics (TV's, monitors, ballasts, electronic equipment), fluorescent bulbs, lead aprons/lead contaminated debris, and batteries (from electronic equipment), and any additional hazardous wastes.

Based on our review of the documentation submitted to date, we found the following additional 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 your receipt of this letter:

- (2) **OAC 3745-52-12(A), Generator Identification Numbers:** A generator must not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a U.S. EPA identification number from U.S. EPA or Ohio EPA.

River Valley Hospital never received a hazardous waste identification number, in violation of this rule. Prior to conducting the work at the hospital, River Valley Hospital should have received an identification number through U.S. EPA or Ohio EPA. To abate this violation, OLBH shall submit an Ohio EPA form EPA9029 (copy attached) to receive a generator identification number.

- (3) **OAC 3745-52-20(A), Manifest – General Requirements:** A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a uniform hazardous waste manifest, U.S. EPA form 8700-22A (the continuation sheet) before transporting the hazardous wastes off-site. Completion of items one through twenty and items twenty-one through thirty-five, respectively, on these forms must be accomplished by the generator, transporter, or owner/operator.

Manifest no. 001738462JJK contains inaccurate information, in violation of this rule. The zip code for East Chicago, IN, listed in #8 on the manifest is inaccurately reported as 29418. In addition, OLBH did not receive a generator ID number to fill out the information in #1 on the manifest. To abate this violation, OLBH shall use the proper zip code for East Chicago, IN when completing the annual report (violation #4), and follow the violation abatement instructions for violation #2.

- (4) **OAC 3745-65-75, Annual Report:** The owner or operator must prepare and submit a single copy of an annual report to the director by March 1st of each year. The report form and instructions supplied by the director must be used for this report. The annual report must cover facility activities during the previous calendar year and must include the following information:

- (A) The U.S. EPA identification number, name, and address of the facility;
- (B) The calendar year covered by the report;
- (C) For off-site facilities, the U.S. EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;
- (D) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by U.S. EPA identification number of each generator;
- (E) The method of treatment, storage, or disposal of each hazardous waste;

- (F) Monitoring data under paragraphs (A)(2)(b), (A)(2)(c), and (B)(2) of rule 3745-65-94 of the Administrative Code;
- (G) The most recent closure cost estimate under rule 3745-66-42 of the Administrative Code and, for disposal facilities, the most recent post-closure cost estimate under rule 3745-66-44 of the Administrative Code;
- (H) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;
- (I) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984; and
- (J) The certification signed by the owner or operator of the facility or his authorized representative.

Our Lady of Bellefonte Hospital failed to submit an Annual Report for 2008 in violation of this rule. To abate this violation, an Annual Report shall be submitted to Ohio EPA's Central Office with a copy to my attention at this office.

Please note that Ohio EPA considers these violations serious in nature and the hospital's failure to respond adequately to this and past Notices of Violations will result in a referral of Our Lady of Bellefonte's violations to our Central Office Enforcement Section for consideration of escalated enforcement.

If you have any questions, please contact me at (740) 380-5288.

Sincerely,



Scott Bergreen
Environmental Specialist
Division of Hazardous Waste Management

SB/mlm

cc: Kevin O'Hara, DERR, SEDO
Michael Garrett, Burgess & Niple
Clint Shuff, DSIWM, SEDO

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.