



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

May 7, 2009

**MUSKINGUM COUNTY
GENERAL FILE
(KESSLER SIGN COMPANY)
DHWM/SEDO
NON NOTIFIER**

Mr. Jeff Ball
Kessler Sign Company
P.O. Box 785
Zanesville, Ohio 43702-0785

Dear Mr. Ball:

On March 9, 2009, Melody Stewart and I performed a compliance inspection of Kessler Sign Company to determine its compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

Based on our observations and the documentation reviewed from the inspection, Ohio EPA issued you a notice of violation letter on March 17, 2009. On April 30, 2009, I received your response which contained two sample results for your fluorescent lamps. Kessler Sign Company remains in violation of the following regulation:

(1) OAC rule 3745-52-11 Hazardous waste determination.

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 using the following method...determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35, and then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either: (1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

Your company generates spent fluorescent bulbs which are crushed and then sent to a recycling facility. Kessler Sign had not evaluated these bulbs to determine whether they are hazardous waste. You provided sample results for two samples. However, neither your letter nor the sample analysis sheets indicate whether these samples were of crushed bulbs or generated from intact bulbs that were then sampled at the lab. Therefore, these results cannot be determined to represent the waste and are not sufficient to determine that the bulbs are not hazardous waste. In

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addition, the analyses did not provide information on all hazardous constituents or on the physical nature of the waste. First, mercury is only one potential hazardous constituent and all RCRA metals should have been included in the analysis. Fluorescent bulbs can also fail due to lead, barium or cadmium. Second, hazardous waste rules require that samples be *representative* of the waste as it is generated. For spent bulbs, sample handling cannot bias the levels of hazardous constituents as they are generated. Therefore, steps should have been taken to minimize the loss of constituents such as mercury (i.e., samples should not be collected from bulbs that have been processed in the bulb eater as it would pull off the powder in the lamps, which could contain hazardous constituents, please see the attached guidance that NEMA recommends for sampling bulbs. Also, the samples must be representative of *all* the bulbs you generate and crush. Bulbs from different manufacturers and different bulb types (i.e., linear, high intensity discharge, compact, etc.) would all have to be tested. Lastly, sample results provided to Ohio EPA should include all the lab information that is needed to validate this data (chain of custody forms, sample receipt info, lab bench sheets). You may find after receiving initial results that more sampling or other information may still be necessary.

Please let me know what you plan to do to resolve this issue within 30 days of the date of this letter. If you need more time or have additional questions, please feel free to call me.

Additional information on the hazardous waste rules, pollution prevention assessments and other useful information is available on Ohio EPA's website at www.epa.state.oh.us. If you have any questions regarding waste management or pollution prevention activities, please call me at (740) 380-5278. If you have any pollution prevention questions or would be interested in a pollution prevention assessment, please call Donna Goodman at (740) 380-5293.

Sincerely,



Richard Stewart
District Representative
Division of Hazardous Waste Management

RS/mlm

Attachment

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.