



State of Ohio Environmental Protection Agency

Southeast District Office

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Ted Strickland, Governor
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January 27, 2009

**WASHINGTON COUNTY
MARIETTA MEMORIAL HOSPITAL
DHWM/SEDO
OHD986995769**

Mr. Raymond Druss
Director, Support Services
Marietta Memorial Hospital
401 Matthew Street
Marietta, OH 45750

Dear Mr. Druss:

I received your response to my December 3, 2008, Notice of Violation (NOV) letter on January 12, 2009. The documentation you submitted included a recent manifest, waste evaluation results including a material safety data sheet, photographs of used oil drums and universal waste (fluorescent bulbs), and documentation that hospital electronics (computers, TV's, printers, etc.) are being recycled. On January 22, 2009, I met with you and Elizabeth Newlen at the hospital to discuss this information in more detail.

My review of this documentation, in addition to the results of the meeting on January 22, 2009, reveals that Marietta Memorial Hospital has adequately demonstrated abatement of the following violations discovered during the November 18, 2008, inspection (for reference, the violation numbers are the same as those in the December 3, 2008, NOV):

- (2) **OAC Rule 3745-52-11, Hazardous Waste Determination;**
- (3) **OAC Rule 3745-52-20(A), Manifest-General Requirements;**
- (4) **OAC Rule 3745-279-22(C), Used Oil Storage Requirements for Generators;**
- (5) **OAC Rule 3745-273-13(D), Waste Management-Standards for Small Quantity Handlers of Universal Waste; and**
- (6) **OAC Rule 3745-273-14(E), Labeling/Marking-Standards for Small Quantity Handlers of Universal Waste.**

However, Marietta Memorial Hospital remains in violation of the following hazardous waste law:

- (1) **ORC Section 3734.02(F), Prohibitions:** No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it.

On March 13, 2007, and October 4, 2007, Marietta Memorial Hospital illegally sent D001/F003 hazardous waste to BBU Services Inc., Lancaster, Ohio, on manifest numbers 002814683 and 002814509, respectively, in violation of this law. The D001 designation indicates the spent solvent was an ignitable hazardous waste (i.e., low flash point), and the F003 designation means it is a listed hazardous waste. As I explained during the inspection, BBU Services is not a permitted treatment, storage, and disposal (TSD) facility; therefore, they cannot accept hazardous waste for this purpose.

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Since Marietta Memorial Hospital has violated ORC 3734.02(E) and (F), your facility 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 Marietta Memorial Hospital begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Although no further action is being required by Ohio EPA at this time, be advised that due to the nature of the violation Ohio EPA may require closure pursuant to OAC Chapters 3745-54 and 3745-55 at this site.

GENERAL COMMENTS

- (a) During the January 22, 2008, meeting, you provided me with a list of all the chemotherapy drugs used at the hospital. As we discussed, I will look over this list and let you know which drugs, upon disposal, are considered listed hazardous wastes.

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

Sincerely,



Scott Bergreen
Environmental Specialist
Division of Hazardous Waste Management

SB/jg

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.