



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Wapakoneta Laboratory
Notice of Violation
Generator Registration Certificate # 02-G-01208

December 18, 2008

Mr. Burlin Sherrick
Lima Memorial Health System
1001 Bellefontiane Ave
Lima, Ohio 45804

Dear Mr. Sherrick:

On December 12, 2008, I, representing the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of the Wapakoneta Laboratory (Facility), infectious waste generator number 02-G-01208. The purpose of this inspection was to determine the Facility's compliance with infectious waste regulations outlined in the Ohio Administrative Code (OAC) Rule 3745-27-30 through 36. Amy Glover represented the Facility during the inspection.

All infectious waste is segregated at the point of generation. Proper sharps containers with labels are being utilized. Red biohazard bags are being used at the point of generation.

During the inspection it was discovered that from the point of generation all infectious waste is taken to the Lincoln Family Practice office, who then contracts with Stericycle for pickup of infectious waste.

OAC Rule 3745-27-30(B)(5) states: "Each generator of infectious waste holding a certificate or registration under paragraph (A) of rule 3745-27-36 of the Administrative Code, and any other person who generates fifty pounds or more of infectious waste in any one month (large generator), shall dispose of the infectious waste at a solid waste disposal facility holding a license issued under division (A) of section 3734.05 of the Revised Code, after being treated to render them non-infectious by either:

- (a) Treating the infectious waste that is generated at the facility owned or operated by the generator by any of the methods, techniques, or practices prescribed by paragraph (B) of rule 3745-27-32 of the Administrative Code to render them non-infectious; or
- (b) Designating the waste for treatment off that premises at an infectious waste treatment facility holding a license issued under division (B) of section 3745.05 of the Revised Code, or to a facility that holds a license issued under section 4717.17, and a permit issued under Chapter 3704 of the Revised Code to the extent that the treatment of those wastes is consistent with that permit and its terms and conditions prior to disposal of the wastes, or a facility in another state operating in compliance with state and federal regulations."

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Transferring infectious waste from the Wapakoneta Laboratory to the Lincoln Family Practice, who then contracts with Stericycle for pickup, does not meet the intent of OAC Rule 3745-27-30(B)(5). **The owner/operator of Wapakoneta Laboratory is therefore in violation of OAC Rule 3745-27-30(B)(5). Wapakoneta Laboratory must manage it's own infectious waste, as outlined above in OAC Rule 3745-27-30(B)(5).**

Infectious waste is being taken directly to the Lincoln Family Practice office for management. Paperwork documenting proper treatment and disposal of the infectious waste is not being generated or retained by Wapakoneta Laboratory as part of this process.

OAC Rule 3745-27-33(B) states in part: "The treatment shipping paper shall accompany the shipment of untreated infectious wastes that are described on the shipping paper. The treatment shipping paper shall be used when a shipment of infectious waste is transported to an infectious waste treatment facility that is not owned or operated by the generator of the infectious waste. The treatment shipping paper shall:

(3) be kept on file for a minimum of three years"

The owner/operator is in violation of OAC Rule 3745-27-33(B)(3) for not having shipping papers documenting proper treatment and disposal of infectious waste.

The infectious waste spill procedures were reviewed and did not contain contact information for the spill control manager and a backup spill control manager. Please add a spill control manager and backup spill control manager, along with contact information, to the spill control procedure.

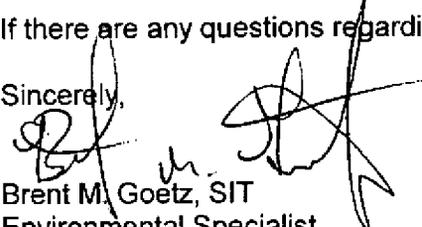
The spill kit was inspected. The kit contained all required materials, as outlined in OAC Rule 3745-27-30(B)(11).

This correspondence addresses specific observations only for the areas of the Wapakoneta Laboratory that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the Facility at the time of inspection.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in Ohio Revised Code Chapter 3734 and the rules promulgated thereunder, does not relieve the owner/operator from their obligation to comply with other applicable state and federal laws and regulations.

If there are any questions regarding this correspondence, please contact me at (419) 373-4114.

Sincerely,


Brent M. Goetz, SIT
Environmental Specialist
Division of Solid and Infectious Waste Management

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pc: ~~File: Auglaize County, Infectious Waste~~

ec: Mike Reiser, DSIWM