

**Environmental
Protection Agency**

Tom Brinkland, Governor
Lee Fisher, Lt. Governor
Chris Kozleski, Director

December 27, 2010

Ms. Mary Mayse
Parma Board of Education
5311 Longwood Ave.
Parma, OH 44134-3800

**RE: PARMA BOARD OF EDUCATION, COMPLIANCE EVALUATION
INSPECTION, CONDITIONAL EXEMPT SMALL QUANTITY GENERATOR;
CUYAHOGA COUNTY, NOTICE OF VIOLATION**

Dear Ms. Mayse:

On July 28, 2010, Mr. Bill Lutz and I, representing the Ohio Environmental Protection Agency (EPA), visited the Parma Board of Education (Board) Administration Center at 5311 Longwood Avenue. Our intention was to conduct a hazardous waste compliance inspection to determine the Board's 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). The Board was represented by Mr. James Leigh and you.

The District serves three communities and has 25 facilities; the names and addresses are included in Attachment 1. Included in the list are three high, three middle, and fifteen elementary schools, a Transportation Center, an early education center, the Administration Center at 5311 Longwood Ave., and an alternate usage school. Three of the buildings are currently closed.

Our first meeting occurred on July 28, 2010. At that time, you (Ms. Mayse) had been in your current position for two weeks and your primary responsibility was to schedule transportation for children returning to school. We inspected the Transportation Center and several of the facilities in the District over the course of several inspection dates including, August 31, September 29, and November 2, 2010.

The Board generates hazardous waste, used oil, and universal waste. Waste is generated through activities associated with the Transportation Center (vehicle servicing), when chemicals are discarded from classroom laboratories and art rooms, as a result of building clean outs, and through replacement of spent fluorescent bulbs. During the course of the inspection, it was determined the Board is a conditionally exempt small quantity generator (CESQG) of hazardous waste. However, the Board occasionally fluctuates between generator categories, typically as a result of building or lab clean outs.

Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087-1924

330 • 963 1200
330 • 487 0769 (fax)
www.epa.ohio.gov

In August, 2010, the Board conducted a clean-out of the Central Office Building located at 6726 Ridge Road which was slated for demolition. The waste collected included off specification, out-dated, and unwanted materials and chemicals totaling over 1,000 kg (2200 lbs) of hazardous waste. The waste was observed during the August 31, 2010 inspection and shifted the Board into the large quantity generator (LQG) status. Issues related to LQG requirements and rules evaluated during the August 2010 inspection were covered in a separate letter dated December 21, 2010.

Ohio's hazardous waste rules related to CESQG, universal waste, and used oil requirements were the basis for this inspection and notice of violation (NOV). The violations and concerns observed are listed below. **Please respond within thirty days of the date of this letter with all of the documentation and information requested.** Checklists completed during the inspections have been included in this letter for your review.

VIOLATIONS

1. **OAC rule 3745-52-11. Hazardous Waste Determination.**
Any person who generates a waste in the state of Ohio....shall determine if the waste is a....hazardous waste...

During the inspection of the Transportation Center, we observed aerosol cans in the trash that were not RCRA empty. The Board had not evaluated the waste to determine if it was hazardous or not prior to discarding the cans in the trash. If the waste in the cans was determined to be hazardous, discarding it in the trash would be a violation of ORC 3734.02(F). Unlawful Treatment, Storage, Disposal, or Transportation of Hazardous Waste. The cans were removed from the trash container during the inspection and placed on a shelf until you could oversee the proper disposition of the cans. **Please provide information as to how the cans were managed.**

2. **OAC rule 3745-273-13(D) and 14(E). Universal Waste-Containers.**
A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound and adequate to prevent breakage....such containers must be kept closed....

And

Each universal waste lamp or a container or package in which such lamps are contained, must be labeled or marked clearly with the words: "Universal Waste-Lamp(s)"

Spent bulbs observed at the Shiloh facility had been collected and placed in a waste container that did not protect the bulbs from breakage. None of the containers were closed and none were labeled. Also, at the Normandy facility, spent bulbs were in protective containers and labeled, but not closed.

On October 1, 2010 via e-mail communication, the Board provided photographs as confirmation documentation that the "Universal Waste – Lamps" were being managed in accordance with the Universal Waste regulations, i.e., they were in protective containers, labeled, and closed. Please communicate with all personnel handling universal waste the requirements of this rule.

There is no further action required at this time regarding this violation.

3. **OAC rule 3745-273-14(A). Universal Waste Labeling/Marking.**

A small quantity handler of universal waste must label or mark the universal waste to identify....

(A) Universal waste batteries.... must be labeled or marked clearly with any one of the following phrases:

"Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

On July 28, 2010, during the inspection of the Transportation Center, we observed lead acid batteries in a rack, but not labeled. The batteries were recycled through Kirk Batteries, but the labeling requirement of the universal waste rules was not being followed.

In order to return to compliance, please confirm in writing and with photographic documentation that the batteries are now being managed in accordance with the Ohio Administrative Code rule 3745-273-14(A). Please communicate with all personnel handling hazardous waste the requirements of this rule.

4. **OAC rule 3745-52-34 (C)(1)(b) Labeling of Containers (Satellite Accumulation)**

.....marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

During the inspection on September 29, 2010 of the Board's laboratories, it was noted that in two accumulation areas, one at the Greenbrier facility and the second at the Valley Forge facility, hazardous wastes were not being managed in accordance with OAC rule 3745-52-34(C)(1)(b). At the Greenbrier facility, numerous small containers of chemicals had been accumulated in a cubby hole within a cupboard. The chemicals were not in a container, they were not segregated, and they were not labeled. At the Valley Forge facility, chemicals were being accumulated in a cupboard and not containerized. This waste was not labeled as hazardous waste.

In order to return to compliance, please confirm in writing and with photographic documentation that the lab waste in the two hazardous waste accumulation areas are now being managed in accordance with OAC rule 3745-52-34 (C)(1)(b). Please communicate with all personnel handling hazardous waste the requirements of this rule.

5. **OAC rule 3745-55-73(A) Management of Containers**

A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. The o/o ensures containers are closed....

During the November 2, 2010 inspection of the Normandy facility, a satellite accumulation container was not closed. The container was marked with the words, "labwaste" and was not full. During the inspection, the container was closed, **abating the violation**. Please communicate with all personnel handling hazardous waste the requirements of this rule.

There is no further action required at this time regarding this violation.

Concerns

1. The Board shipped out 700 lbs. of hazardous waste from the Valley Forge High School facility on September 9, 2010 using a uniform hazardous waste manifest; however, it was shipped off-site without an EPA ID Number for that facility. OAC rule 3745-52-12: EPA ID Number, requires conditionally exempt small quantity generators to notify Ohio EPA if there is a change from CESQG to SQG status and obtain a U.S. EPA identification number for that location.

Please review your records to determine the circumstances under which the waste at the Valley Forge High School was accumulated, i.e., was the waste generated as a one time event or over the course of several months and did the Board accumulate more than 220 lbs (100 kg) of waste during any one month? Also, how long was the waste stored at the Valley Forge facility prior to shipment off site?

2. Upon my request of manifests, land disposal restriction (LDR) notifications, shipping papers, and other documents pursuant to OAC rule 3745-270-07. Testing, tracking, and recordkeeping requirements for generators...., you informed me that, as a result of ensuing legal activities, the documents were not available for review. According to **OAC rule 3745-270-07(A)(8)**, *generators must retain on-site a copy of....documents for at least three years from the date that the waste....was last sent to....treatment, storage, or disposal.* The three year record retention period can be extended if requested by the director of the Ohio EPA. This letter serves as such a request. Upon release of the records, please contact the Ohio EPA so that the record review may be completed.

3. The Board generates electronic waste (E-waste) from many of the facilities within the District. Electronics such as computers, typewriters, and printers, when ready to be discarded, should be recycled or evaluated to determine if they are a hazardous waste. If e-waste becomes a problem in the future, do not hesitate to contact me. Ohio EPA has vender lists of facilities that recycle e-waste.

Please respond within thirty days of the date of this letter with the information requested.

Documents provided to you during the inspection included:

- "Solvent Contaminated Rags and Wipers" article from DHWM Notifier, Spring 2006;
- Example of Emergency information to be posted by the telephone;
- Example inspection log;
- Summary tables of generator requirements and recordkeeping requirements.

Should you have any questions regarding this letter, please feel free to call me at (330) 963-1279 or via e-mail at patricia.natali@epa.state.oh.us.

Sincerely,



Patricia Natali
Environmental Specialist
Division of Hazardous Waste Management

PN:ddw

Enclosure

cc: Marlene Kinney, DHWM, NEDO
James Leigh, Parma City School District
ec: Frank Popotnik, DHWM, NEDO
Natalie Oryshkewych, DHWM, NEDO
Harry Sarvis, DHWM, CO
Adrienne LaFavre, OCAPP, NEDO

NOTICE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.

ATTACHMENT 1

SCHOOL	ADDRESS	STATUS
Col. John Glenn Elementary School	1300 E. Dartmoor Avenue	Open
Dag Hammarskjold Elementary School	4040 Tamarack Drive	Closed
Dentzler Elementary School	3600 Dentzler Road	Open
Greenbriar Middle School	11810 Huffman Rd.	Open
Greenbriar Annex	11800 Huffman Road	Open
Green Valley Elementary School	2401 West Pleasant Valley Road	Open
Hanna Elementary School	11212 Snow Road	Open
Hillside Middle School	1 Educational Park Drive	Open
John Muir Elementary School	5531 W. 24 th Street	Open
Normandy High School	2500 West Pleasant Valley Road	Open
Parkview Elementary School, Early Ed. Center	5210 Loya Parkway	Open
Parma Park Elementary School	6800 Commonwealth Boulevard	Open
Parma Senior High School	6285 W. 54 th street	Open
Pearl Road Elementary School	6125 Pearl Road	Open
Pleasant Valley Elementary School	9906 West Pleasant Valley Road	Open
Pleasantview Elementary School	7700 Malibu Drive	Closed
Renwood Elementary School	8020 Deerfield Drive	Open
Ridge-Brook Elementary School	7915 Manhattan Avenue	Open
Shiloh Middle School	2303 Grantwood Drive	Open
State Road Elementary School	6121 State Road	Open
Thoreau Park Elementary School	5401 W. 54 th Street	Open
Valley Forge High School	9999 Independence Boulevard	Open
Administration Center	5311 Longwood Avenue	Open
Transportation Center	7600 Day Drive	Open
Arlington School	7377 Chateau Drive	Closed