



State of Ohio Environmental Protection Agency

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March 2, 2009

**ATHENS COUNTY
OHIO UNIVERSITY
DHWM/SEDO
Hudson Health Area 1 OHD980586226
Clippinger Area 3 OHD982628422
Physical Plant Area 7 OHD982628539
Airport Area 8 OHD982628547
The Ridges Area 10 OHD986975068
South Green Area 11 OHD986976173**

Mr. Joe S. Adams, Director
Department of Environmental Health and Safety
Ohio University
Hudson Health Center
Athens, Ohio 45701

Dear Mr. Adams:

I received your response to my December 29, 2008 Notice of Violation letter on January 22, 2009. The documentation you submitted included a hazardous waste storage area inspection form; a Summer 2008 bid tally form for the exterior painting of buildings; a universal waste bill of lading; a letter dated January 5, 2009 from Chemical Analytics to Ohio University; and pictures of the following: posted emergency information, a 55-gallon drum in the airport maintenance hangar, and fluorescent lamp storage.

My review of this documentation reveals that Ohio University has adequately demonstrated abatement of the following violations discovered during the August 12 and 15, 2008, inspection.

- **OAC Rule 3745-52-34(D)(5)(b), Accumulation Time of Hazardous Waste** for Hudson Health Center Area 1, Clippinger Area 3, Airport Area 8, and The Ridges Area 10.
- **OAC Rule 3745-65-33, Testing and Maintenance of Equipment** for Hudson Health Center Area 1, Clippinger Area 3, Airport Area 8, and The Ridges Area 10.
- **OAC Rule 3745-52-34(D)(4), Accumulation Time of Hazardous Waste** for Airport Area 8.
- **OAC Rule 3745-273-14(E), Labeling/Marking- Standards for Small Quantity Handlers of Universal Waste** for The Ridges Area 10. However, please note the following for this rule violation:

Determination that OU has returned to compliance on this violation is based on the bill of lading documentation that was provided by OU. The bill of lading shows that the lamps originally cited in violation of this rule had been received by USA Lamp & Ballast Recycling. In your January 20, 2009 letter the picture of lamp storage clearly shows, and the text states, that one of the boxes of universal waste lamps now in storage is open but not full. OAC Rule 3745-273-13(D)(1) requires that containers used to hold universal waste lamps must remain closed. Therefore, be aware that containers used to store universal waste must be closed whether full or partially full.

Remaining Violations

As detailed in Ohio EPA correspondence dated September 15, 2008 and December 29, 2008, OU remains in violation of ORC §3734.02(E) and (F), Prohibitions. Abatement of these violations may involve sampling and/or closure. Ohio EPA has the following responses to the specific points made in your January 20, 2009 response letter.

Paint Chips

You had previously stated in November 14, 2008 correspondence that your records indicated that waste paint chips were generated at The Ridges within the proper generator area. Your letter dated January 20, 2009 provided a bid tally form for exterior painting of buildings, summer 2008, to support this statement. The bid tally form includes Chubb Hall, Hudson Health Center, and the pedestrian walkway between Wilson and Grosvenor West. None of these buildings are included in The Ridges generator area. The information provided by OU does not show that the 150 pounds of D008 waste on manifest number 000517987GBF, dated June 25, 2008, was only from The Ridges generator area. The information provided also does not show that the waste paint chips I observed in Building 32 on October 10, 2008 were only generated in The Ridges. Ohio EPA believes that our citations of prohibitions violations were correct.

Solvent Sludge

Your January 20, 2009 letter states "However that the time of the inspection and at the December pick up no sludge material was present nor was is transported out of the area where it was generated. All pick ups of this material are from Area 7 where the paint department is located."

OU's June 25, 2008 hazardous waste manifests indicate that paint waste related materials (D001) were manifested from The Ridges Area 10. OU has no records of D001 paint waste being manifested from Area 7 with the June 2008 hazardous waste shipments. OU stated during the inspection that the painting department dropped their hazardous wastes off at The Ridges Area 10 Building 32. Ohio EPA believes that these facts indicate that the sludge material from the Area 7 was included in the waste manifested from The Ridges on June 25, 2008. Ohio EPA believes that our citation of prohibitions violations was correct.

Sink Traps

Ohio EPA has reviewed your January 20, 2009 response regarding OU's storage of the sink traps. Ohio EPA still considers the violations cited for the sink traps to be valid. OU's specific arguments about the circumstances surrounding the sink traps can be further addressed during the escalated enforcement process.

Fluorescent Lamps

During the inspection, broken fluorescent lamp material was observed on the floor of the storage room. At the time of the inspection, the conditions in the storage room suggested that the broken lamp material had been there an extended period of time. OU determined that the broken fluorescent lamp material was a hazardous waste. Ohio EPA believes that our citation of a prohibitions violation for the lamp material was correct.

Airport Storage Building

During the inspection, staining on the floor of the Airport Area 8 hazardous waste storage area was observed. OU determined that the staining was from aircraft oil (a D008 hazardous waste). Ohio EPA believes that our citation of a prohibitions violation was correct.

At this time, Ohio EPA is not requesting response to this letter. As stated in Ohio EPA's December 29, 2008 letter to you, due to the serious nature of OU's violations, these violations will be referred to our Central Office Enforcement Section to be considered for possible enforcement action. The outstanding violations will be resolved through the enforcement process. If you have any questions regarding this correspondence, feel free to contact me at (740) 380-5248.

Sincerely,



Elizabeth A. Herron
Environmental Specialist
Division of Hazardous Waste Management

EAH/mlm

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.

PREPAREDNESS AND PREVENTION

17. Is an emergency coordinator available at all times (on-site or on-call)? [3745-52-34(D)(5)(a)] Yes No NA
18. Has the following been posted by the telephone: [3745-52-34(D)(5)(b)]
- a. Name and telephone number of emergency coordinator? Yes No NA
- b. Location of fire and spill control equipment, and, if present, fire alarm(s) Yes No NA
- c. Telephone number of local fire department? Yes No NA
- No information is posted by the phone.*
19. Are employees familiar with waste handling and emergency procedures? [3745-52-34(D)(5)(c)] Yes No NA
- Throughout the facility waste was being handled carelessly. Waste was stored in open containers that were not labeled or dated. Hazardous waste was being illegally disposed of by evaporation, burning, and placement in a solid waste dumpster.*
20. Has the facility properly responded to all fires and spills? [3745-52-34(D)(5)(a)] Yes No NA
21. Is the facility operated to minimize the possibility of fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste? [3745-65-31] Yes No NA
- Waste was not being stored in a manner that would minimize the possibility of a release. Containers of paint waste were not covered and were stored in areas where they could be knocked over and spilled. Additionally, the uncovered containers were releasing constituents to the air.*
22. Does the generator have the following equipment at the facility if it is required due to actual hazards associated with the waste:
- a. Internal alarm system? [3745-65-32(A) / 3745-53-32(A)] Yes No NA
- b. Emergency communication device? [3745-65-32(B)] Yes No NA
- c. Portable fire control, spill control and decontamination equipment? [3745-65-32(C)] Yes No NA
- d. Water of adequate volume/pressure? [3745-65-32(D)] Yes No NA
- Gem did not have an internal alarm system, a communication device or fire and spill control equipment in the areas where paint waste was being stored.*
23. Is emergency equipment tested (inspected) as necessary to ensure its proper operation in time of emergency? [3745-65-33] Yes No NA
- Gem does not test or inspect their emergency equipment.*
24. Are emergency equipment tests (inspections) recorded in a log or summary? [3745-65-33] Yes No NA
- Gem does not test or inspect their emergency equipment.*
25. Do personnel have immediate access to an internal alarm or emergency communication device when handling hazardous waste (unless the device is not required under OAC 3745-65-32)? [3745-65-34(A)] Yes No NA

Gem did not have emergency communication devices in the immediate areas where paint waste is handled.

26. If there is only one employee on the premises is there immediate access to a device (ex. phone, hand-held two-way radio) capable of summoning external emergency assistance (*unless not required under 3745-65-32*)? [3745-65-34(B)] Yes No NA
27. Is adequate aisle space provided for unobstructed movement of emergency or spill control equipment? [3745-65-35] Yes No NA
Gem's facility does not have adequate aisle space.
28. Has the generator attempted to familiarize emergency authorities with possible hazards and facility layout? [3745-65-37(A)] Yes No NA
No attempt has been made to familiarize emergency authorities with possible hazards and facility layout.
29. Where authorities have declined to enter into arrangements or agreements, has the generator documented such a refusal? [3745-65-37(B)] Yes No NA

SATELLITE ACCUMULATION AREA REQUIREMENTS

30. Does the generator ensure that satellite accumulation area(s):
- a. Are at or near a point of generation? [3745-52-34(C)(1)] Yes No NA
 - b. Are under the control of the operator of the process generating the waste? [3745-52-34(C)(1)] Yes No NA
 - c. Do not exceed one quart of acutely hazardous waste at any one time? [3745-52-34(C)(1)] Yes No NA
 - d. Containers are closed, in good condition and compatible with wastes stored in them? [3745-52-34(C)(1)(a)]. Yes No NA
 - e. Containers are marked with the words "Hazardous Waste" or other words identifying the contents? [3745-52-34(C)(1)(b)] Yes No NA
- Facility had not designated any areas as satellite accumulation.*
31. Is the generator accumulating hazardous waste(s) in excess of the amounts listed in the preceding question? If so:
- a. Did the generator comply with 3745-52-34(A)(1) through (4) or other applicable generator requirements within three days? [3745-52-34(C)(2)] Yes No NA
 - b. Did the generator mark the container(s) holding the excess with the accumulation date when the 55 gallon (one quart) limit was exceeded? [3745-52-34(C)(2)] Yes No NA
 - c. Do not exceed a total of 55 gallons of hazardous waste per waste stream? [3745-52-34(C)(1)] Yes No NA
- Facility had not designated any areas as satellite accumulation.*

NOTE: *The satellite accumulation area is limited to 55 gallons of hazardous waste accumulated from a distinct point of generation in the process under the control of the operator of the process generating the waste (less than 1 quart for acute hazardous waste). There could be individual waste streams accumulated in an area from different points of generation.*

USE AND MANAGEMENT OF CONTAINERS

32. Has the generator marked containers with the words "Hazardous Waste"? [3745-52-34(D)(4)] Yes No NA
33. Is the accumulation date on each container? [3745-52-34(D)(4)] Yes No NA
No containers of hazardous waste in the facility were dated.
34. Are hazardous wastes stored in containers which are:
- a. Closed (except when adding/removing wastes)? [3745-66-73(A)] Yes No NA
- b. In good condition? [3745-66-71] Yes No NA
- c. Compatible with wastes stored in them? [3745-66-72] Yes No NA
- d. Handled in a manner which prevents rupture/leakage? [3745-66-73(B)] Yes No NA
Gem was storing the majority of their paint waste in containers without lids.
35. Is the container accumulation area(s) inspected at least weekly? [3745-66-74] Yes No NA
NOTE: Per ORC§1.44(A), "Week" means seven (7) consecutive days.
- a. Are inspections recorded in a log or summary? [3745-66-74] Yes No NA
Gem does not inspect their container accumulation areas.
36. Are containers of incompatible wastes stored separately from each other by means of a dike, berm, wall or other device? [3745-66-77(C)] Yes No NA
37. If the generator places incompatible wastes, or incompatible wastes and materials in the same container, is it done in accordance with 3745-65-17(B)? [3745-66-77(A)] Yes No NA
38. If the generator places hazardous waste in an unwashed container that previously held an incompatible waste, is it done in accordance with 3745-65-17(B)? [3745-66-77(B)] Yes No NA

NOTE: OAC 3745-65-17(B) requires that the generator treat, store, or dispose of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials so that it does not create undesirable conditions or threaten human health or the environment.

PRE-TRANSPORT REQUIREMENTS

39. Does each generator package/label its hazardous waste in accordance with the applicable DOT regulations? [3745-52-30, 3745-52-31 and 3745-52-32(A)] Yes No NA
Gem has not sent any hazardous waste off-site with a registered hazardous waste transporter.
40. Does each container \leq 100 gallons have a completed hazardous waste label? [3745-52-32(B)] Yes No NA
Gem has not sent any hazardous waste off-site with a registered hazardous waste transporter.
41. Before off-site transportation, does the generator placard or offer the appropriate DOT placards to the initial transporter? [3745-52-33] Yes No NA
Gem has not sent any hazardous waste off-site with a registered hazardous waste transporter.

