



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

Certified Mail: 7007 3020 0001 7882 1367

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

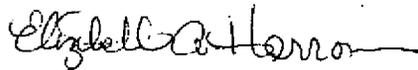
During the inspection, broken fluorescent lamp material was observed on the floor of the storage room. At the time of the inspection, the conditions in the storage room suggested that the broken lamp material had been there an extended period of time. OU determined that the broken fluorescent lamp material 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.

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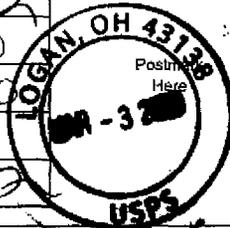
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 Street, Apt. No.,
 or PO Box No. Hudson Health Center
 City, State, ZIP+4 Athens, OH 45701

PS Form 3800, August 2006 See Reverse for Instructions

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