



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

FILE COPY

January 25, 2012

Mr. David Kos
The Ohio State University
Facilities Operations and Development
1314 Kinnear Road - #106
Columbus, OH 43212

Re: The Ohio State University – Bulk Chemical Warehouse
Large Quantity Generator
U.S. EPA ID#: OHD986966943
Franklin County, CDO
NOV

Dear Mr. Kos:

On January 9, 2012, Ohio EPA received an Analytical Report from The Ohio State University (OSU) for samples of pesticide rinse waters collected from the 1,000 gallon storage tank at the Turf Grass Facility located on OSU's Bulk Chemical Warehouse (BCW) Campus. The samples were collected on December 3, 2011, and analyzed by TestAmerica Laboratories, Inc. on December 13, 2011. I reviewed the Report to determine OSU's compliance with Ohio's hazardous waste laws and rules as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC).

Based on test results, the pesticide rinse waters exceed the toxicity characteristic regulatory level for 2,4-D (10.0 mg/L), thus making them hazardous waste (D016). As such, OSU is in violation of the following hazardous waste rules. In order to correct these violations, you must do the following and send me the required information **within 14 days** of your receipt of this letter. If circumstances delay the abatement of violations, please submit written correspondence of the steps that will be taken by date certain to attain compliance.

OAC Rule 3745-66-96, Response to leaks or spills and disposition of leaking or unfit for use tank systems: A tank system or secondary containment system from where there has been a leak or spill, or which is unfit for use, must be removed from service immediately and the owner or operator must cease use; remove waste; contain visible releases to the environment; notify of any releases; repair, close, or provide secondary containment; and certify major repairs.

OSU was storing hazardous pesticide rinse waters in a 1,000 gallon storage tank at the Turf Grass Facility. This tank does not meet all of the hazardous waste tank requirements in OAC Rules 375-66-90 through 3745-66-99 (e.g., written tank assessment, adequate secondary containment, leak detection system, spill and overflow prevention controls, daily inspections). Thus, OSU was operating a tank system that was unfit for use. Specific violations of OAC Rule 3745-66-96 are as follows:

1. **OAC Rule 3745-66-96(A), Cessation of use; prevent flow or addition of wastes:** The owner or operator must immediately stop the flow of hazardous waste into the tank system.

Based on analytical test results, OSU was using the 1,000 gallon storage tank at the Turf Grass Facility to store hazardous pesticide rinse waters (D016). As previously noted, the tank system was unfit for use as a hazardous waste tank system.

- Based on conversations with OSU, all of the hazardous waste has been removed from the tank system. To fully abate this violation, please send me a copy of the hazardous waste manifest used to ship the hazardous pesticide rinse waters off site for further management at a permitted TSD facility. Please send me the requested information **within 14 days** of your receipt of this letter.

2. **OAC Rule 3745-66-96(E)(1), Provision of secondary containment, repair, or closure:** The owner or operator must close the tank system if he or she does not repair the tank system and/or provide secondary containment.

Based on analytical test results, OSU was using the 1,000 gallon storage tank at the Turf Grass Facility to store hazardous pesticide rinse waters (D016). As previously noted, the tank system was unfit for use as a hazardous waste tank system.

To abate this violation, OSU must either close the tank system (i.e., remove or decontaminate all waste residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with waste, and manage them as hazardous waste) or upgrade the tank system to meet all of the requirements in OAC Rules 3745-66-90 through 3745-66-99. Please let me know if OSU plans to upgrade the tank system in order to store hazardous waste rinse waters in it in the future or "close" the tank system and continue to only manage nonhazardous pesticide rinse waters in it.

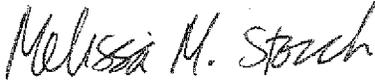
If OSU decides to close the tank system, please send me a description of what steps have been taken to decontaminate the tank and associated lab analyses. Also, please send me a description of how hazardous pesticide rinse waters will

be managed in the future at the Turf Grass Facility to ensure that no more hazardous waste enters the current storage tank system. Once Ohio EPA verifies that the tank has been properly decontaminated, OSU will be returned to compliance for this violation.

If OSU decides to upgrade the tank system to meet all of the hazardous waste tank requirements, please send me a schedule for incorporating the changes, when the tank will be returned to service, and a copy of the written tank assessment per OAC Rule 3745-66-92. Please send me the requested information **within 14 days** of your receipt of this letter.

Should you have any questions, please feel free to call me at (614) 728-3887.

Sincerely,



Melissa M. Storch

Environmental Specialist
Division of Materials and Waste Management
Central District Office

c: CDO File

MMS/msm OSU BCW Turf NOV Ltr Jan 2012

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.