



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Kroger Store #503
Lucas County
OHR000144733
Hazardous Waste
Return to Compliance

June 27, 2008

Mr. Michael Teggart, Store Manager
Kroger Store #503
1300 Michigan Avenue
Waterville, Ohio 43566

Dear Mr. Teggart:

On June 17, 2008, I received a response to Ohio EPA's May 7, 2008, Notice of Violation letter from Ms. Sheryl Melchior, Environmental Compliance Manager with the Kroger Company. My review of this documentation reveals that Kroger Store #503 has adequately demonstrated abatement of the violation discovered during the April 16, 2008, compliance evaluation inspection.

The following is a summary of the violation cited and your compliance with respect to it:

1. **OAC Rule 3745-52-11: Waste Evaluation:** Any person who generates a waste must determine if that waste is a hazardous waste by using generator knowledge or by testing the waste. Kroger failed to have waste evaluation documentation or an established recycling plan in place for the fluorescent bulbs generated at the facility.

Hazardous bulbs are considered "spent materials" and remain hazardous waste even when recycled. Hazardous waste lamp generators have the option of handling their lamps as hazardous waste or as universal waste. Managing hazardous waste lamps under the universal waste rules eases certain regulations imposed on generators of spent lamps.

Please be aware that incandescent, fluorescent, metal halide, neon, high-intensity discharge, high-pressure sodium and mercury-vapor lamps could be hazardous waste when discarded. Fluorescent lamps may contain up to 40 milligrams (mg) of mercury, depending on the brand and manufacturer. Lamps may also contain lead and cadmium. Many lamps exhibit a characteristic of toxicity for heavy metals when disposed. I have enclosed a copy of Fluorescent Lamps: What You Should Know. I recommend that you review this document and contact me if you have any questions.

On April 22, 2009, I received an electronic mail response from Sheryl Melchior that noted that the spent fluorescent bulbs would be managed as universal waste. Kroger must submit information on how you plan to manage the spent fluorescent bulbs you generate. The plan should include a description of how you plan to collect the spent bulbs, where the storage containers will be located and that the containers will be in place prior to the generation of spent fluorescent bulbs. Kroger must also properly train employees, who handle or have responsibility for managing universal waste, on waste handling and emergency procedures relative to their responsibilities. In addition, Kroger must submit the name of the facility where you plan to recycle the bulbs.

On June 17, 2008, Kroger submitted a copy of the spent lamp handling procedures that will be implemented for the management of spent fluorescent bulbs as a universal waste.

Mr. Michael Teggart, Store Manager
June 27, 2008
Page 2

The spent bulbs will be properly stored, labeled, dated and picked up for recycling by Lamp Tracker, a division of Waste Management. Employees will be properly trained on the spent lamp handling procedures.

With this information, this violation is considered abated.

If you have any questions or if I can be of assistance, please contact me at (419) 373-3066.

Sincerely,



Melissa L. Boyers
Division of Hazardous Waste Management

/l/r

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
Ms. Sheryl Melchior, The Kroger Co.
~~CDHWM; NWDO Lucas County General File~~
ec: Melissa Boyers, DHWM, NWDO

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.