



State of Ohio Environmental Protection Agency

Northwest District Office

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Bowling Green, OH 43402-9398

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

Re: Kroger Store #503
Lucas County
OHR000144733
Hazardous Waste
Notice of Violation

May 7, 2008

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

Dear Mr. Teggart:

I would like to thank Jodi Lee for accompanying me during the Ohio Environmental Protection Agency's (Ohio EPA's) April 16, 2008, inspection of the Kroger Store #503 (Kroger) located in Waterville, Ohio. I inspected Kroger to determine its 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). Pollution prevention options were also discussed during this inspection.

Kroger is a full service grocery store. The Waterville Kroger location has several designated totes in the storage area located in the back room of the store where damaged products are stored. The items are divided up into categories, i.e. reactive, corrosive, toxic and aerosols. When the totes appear to be getting full, an assessment is made as to what items are actually a waste and which are still usable products or solid waste. Kroger maintains employees at each store who are trained in hazardous material management. Once a waste pick-up is determined to be needed, the store manager contacts the central alarm division who in turn contacts Philip Services Corp. to make arrangements to pick up the totes of waste for proper disposal. On April 18, 2008, I spoke with Carol Nelson, The Kroger Co., who explained in detail the new damaged products program that was launched in 2007. To date, no hazardous waste has been picked up from this Kroger.

On April 22, 2008, I spoke with Sheryl Melchior, Environmental Compliance Manager for The Kroger Co., who stated that when a Kroger store in this region has a complete relamping, Pro Painting Plus is the contractor who is hired to do the work. The spent fluorescent bulbs are removed by the contractor and shipped to USA Clean Lights for recycling. The maintenance department takes care of any bulb changes that need to be made in-between store relamping. Kroger currently does not have an internal policy on how each store is to manage the spent bulbs generated.

At the time of the inspection, Kroger was operating as a non-generator of hazardous waste.

I found the following violation of Ohio's hazardous waste laws. In order to correct this violation you must do the following and send me the required information within 30 days of your receipt of this letter:

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.

Mr. Michael Teggart
May 7, 2008
Page Two

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.

Enclosed you will find a copy of the checklists that I completed during the investigation.

Ohio EPA has helpful information about compliance assistance and pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>. In addition, you can also find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

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

/cs

Enclosures

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
Ms. Sheryl Melchior, The Kroger Co.
- DHWM, 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.

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤ 100 Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
LQG: $\geq 1,000$ Kg. (~300 gallons) of waste in a calendar month or ≥ 1 Kg. of acutely hazardous waste in a calendar month.
NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A

GENERATOR CLASSIFICATION

2. Does the generator produce < 100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] Yes No N/A

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes No N/A

TREATMENT OF HAZARDOUS WASTE

4. Does the generator treat hazardous waste in a:
- a. Container that meets 3745-66-70 to 3745-66-77? Yes No N/A
 - b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes No N/A
 - c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes No N/A
 - d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No N/A

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

REMARKS

Spent Fluorescent Bulbs generated in-between store relamping have not been evaluated.

PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY

Facility Name: Waterville Kroger Store #503

Facility Type: LQG/SQG/CESQG/TSD

EPA ID#: OHR000144733

Description of Waste				On-Site Management			Off-Site Management
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, etc)</small>	Waste Generated <small>(e.g. sludge, spent solvent, ash, etc)</small>	EPA Waste Code	QTY Generated per Month	Type of Accumulation/Storage <small>(e.g. container, tank, etc)</small>	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Waste Location <small>(Include map if possible)</small>	Name, state, and type of activity occurring at the facility.
1	Lighting						Currently manage bulbs generated as part of a relamping as universal waste. It is unknown what happens to the bulbs generated in-between relamping events.
2							
3							
4							

Ohio Environmental Protection Agency
RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
McConnell, Central Office

2. Site EPA ID No.	EPA ID Number: OHR 000 144 733								
3. Site Name	Name: Kroger Store #503				Website: (Optional)				
4. Site Location Information	Street Address: 1300 Michigan Avenue								
	City, Town, or Village: Waterville				State: OH				
	County Name: Lucas				Zip Code: 43566				
5. Site Land Type (check only one)	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html									
7. Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Sheryl			MI:	Last Name: Melchior				
	Phone Number: 503-797-7915				Phone Number Extension:				
	E-Mail Address: sheryl.melchior@fredmeyer.com								
	Fax Number:				Fax Number Extension:				
	Street or P.O. Box: P.O. Box 42121 - Mail Stop 33T								
	City, Town or Village: Portland				State: OR		Country:	Zip Code: 97242	
	Name of Site's Legal Owner: Kroger Co.							Date Became Owner (mm/dd/yyyy):	
8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Owner Type:	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box: 4111 Executive Pkwy								
	City, Town or Village: Columbus				Owner Phone #:				
	State: Ohio				Country:		Zip Code: 43081		
	Name of Site's Operator:							Date Became Operator (mm/dd/yyyy):	
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box:								
	City, Town or Village:				Operator Phone #:				
State:				Country:		Zip Code:			
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated				<input type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility									

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))						
<input type="checkbox"/> Small Quantity Handler of Universal Waste			<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)			
<input type="checkbox"/> Destination Facility for Universal Waste						
Check all boxes below that apply for each of the three types of facilities above			10C. Used Oil Activities (Indicate Type(s) of Activity(ies))			
Managed			<input type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner		
Batteries	<input type="checkbox"/>		<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil		
Pesticides	<input type="checkbox"/>		<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner		
Mercury containing equipment	<input type="checkbox"/>		<input type="checkbox"/> Used Oil Processor			
Lamps	<input type="checkbox"/>		<input type="checkbox"/> Used Oil Re-refiner			
11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.						
D001	D002	D007	D008	D011	D018	D035
12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.						
Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:		Michael Teggart, Store Manager	
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:			
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No				
13. Name of Inspector(s)			Name of Inspector(s)		Date of Inspection/Time (mm/dd/yyyy) (hh:mm)	
Melissa Boyers					4/16/2008 11:30	
14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.						
Signature of Owner, Operator, or an Authorized Representative			Name and Title (Print)		Date (mm/dd/yyyy)	