



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: University of Toledo
Health Science Campus
Lucas County
Hazardous Waste
OHD 087 047 353
Return to Compliance

February 9, 2009

Mr. Michael Valigosky
University of Toledo - Health Science
3000 Arlington Avenue
MS 1078
Toledo, Ohio 43614-2598

Dear Mr. Valigosky:

Thank you for your August 27, 2007, response to Ohio EPA's July 23, 2007, Notice of Violation letter. The information you submitted included updated contingency plan pages, training documentation, weekly inspection logs, manifest exception report, and photographic documentation for the universal waste storage containers. My review of the documentation submitted reveals that the University of Toledo - Health Science Campus (UT-HSC) has adequately demonstrated abatement of all of the violations cited in the July 23, 2007, NOV letter.

The following is a summary of the violations cited in the July 23, 2007, NOV and your compliance with respect to each:

1. OAC Rules 3745-65-52(D) and 3745-65-52(E): Contingency Plan:

A facility shall have a written contingency plan designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden releases of hazardous waste or hazardous waste constituents to air, soil or surface water.

UT-HSC does not have an adequate contingency plan. UT-HSC failed to have a current list of emergency coordinators and a list of emergency equipment in the contingency plan. UT-HSC is required to do the following to bring the contingency plan into compliance with the regulations:

- 3745-65-52(D) - The plan must include a current list of emergency coordinators including home addresses, home phone numbers and office numbers and have an emergency coordinator available on-site or on-call at all times. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates.

- 3745-65-52(E) - The plan must include a list of the emergency equipment, including its location, physical description and a brief outline of capabilities.

To abate this violation, UT-HSC must update the list of emergency coordinators to include office and home addresses and telephone numbers and submit the corrected page to the Ohio EPA, NWDO, for review. In addition, UT-HSC must add the list of emergency equipment and submit the page(s) with the required information to Ohio EPA, NWDO, for review. An adequate contingency plan must be written prior to conducting employee training as directed in violation number two. Additionally, UT-HSC must submit documentation (cover sheet, certified mail receipt, etc.) to Ohio EPA, NWDO, to verify that the updated contingency plan has been sent to the appropriate emergency authorities as required by OAC Rule 3745-65-53(B).

On August 27, 2007, UT-HSC submitted an updated copy of the Emergency Contingency Plan. The plan included a current list of emergency coordinators and a list of emergency equipment. In addition, UT-HSC included copies of the cover letter and certified mail receipts for the emergency authorities who were mailed a copy of the contingency plan.

With this information, this violation is considered abated.

2. OAC Rule 3745-65-16(C): Annual Refresher Training for Personnel:

A generator shall provide annual refresher training for all personnel involved in the handling and management of hazardous waste at the facility. Ohio EPA defines annually as at least once every 365 days.

UT-HSC failed to provide annual refresher training for all employees involved in the handling or management of hazardous waste.

To abate this violation, UT-HSC must conduct the required training and shall submit signed class rosters to Ohio EPA, NWDO, to demonstrate that all employees have received the required training. In addition, UT-HSC shall immediately establish a written procedure to provide annual refresher training and shall submit a copy of this procedure to Ohio EPA, NWDO. Annual refresher training must be completed at least once every 365 days.

On August 27, 2007, UT-HSC submitted a copy of the hazardous waste training plan for new and existing employees. Employees most involved in hazardous waste management and manifest signing were trained along with those employees who may potentially generate or work near hazardous waste on campus. In addition, UT-HSC submitted a copy of the sign in sheets for the training that was given to all employees required to attend. UT-HSC included a copy of the Employee Safety Orientation form for each individual employee who attended the refresher training. Each employee completed a form to document their attendance at the training and listed the department they worked in at the facility. Given the fact that UT-HSC maintains at the facility a copy of all training records for each employee and the unrequested forms contain employee social security numbers, Ohio EPA will return these pages to your facility.

The copies of the sign in sheets, which document employee attendance at the training, are all that need to be retained to demonstrate compliance with this regulation.

With this information, this violation is considered abated.

3. OAC Rule 3745-52-34(C)(1)(a): Satellite Container Management:

A container holding hazardous waste shall always be closed during storage except when it is necessary to add or remove waste, as required by OAC Rule 3745-66-73(A).

UT-HSC had one satellite container of waste Ethidium Bromide (EtBr) located in the Health Science Building, Ceders Lab, that was open and sitting in the fume hood.

The laboratory technician replaced the cap on the container of waste at the time of the inspection.

Therefore, this violation is considered abated.

4. OAC Rule 3745-52-34(C)(1)(b): Satellite Accumulation Areas:

A generator may accumulate as much as fifty-five gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit provided the containers are marked "Hazardous Waste" or other identifying words of the container's contents.

UT-HSC had two satellite containers located in the Health Science Building that were not labeled with the words "Hazardous Waste". Specifically, a container of EtBr located in the Ceders Lab and a container of Syber Green in lab #303. UT-HSC had three containers located in the hospital clinical lab that were not labeled with the words "Hazardous Waste". Specifically, two 1-gallon containers of xylene and one quart glass container of acetone were located in the Molecular Diagnostics laboratory hood.

Tim Niederkorn properly labeled each container with the words "Hazardous Waste" at the time of the inspection.

Therefore, this violation is considered abated.

5. OAC Rule 3745-66-74: Inspections:

Container storage areas shall be inspected on a weekly basis looking for leaks and for deterioration. These inspections shall be recorded in an inspection log which includes at a minimum the date and time of inspection, name of the inspector, a notation of observations made, and the date/nature of any repairs. Ohio EPA interprets weekly to mean once within the seven day period following the previous inspection.

On several occasions UT-HSC exceeded the weekly inspection requirement for the Chemical Storage Area located in the Facilities Support Building. Specifically, UT-HSC exceeded the weekly requirement for inspections from 4/4/05 to 4/15/05; 4/21/05 to 4/29/05; and 5/23/05 to 5/31/05. In addition, UT-HSC exceeded the weekly inspection requirement for Room 70 located in the basement of the Health Sciences Building. Specifically, UT-HSC exceeded the weekly requirement for inspections from 11/20/06 to 11/29/06; 12/6/06 to 12/15/06; and 12/18/06 to 12/27/06.

To abate this violation, UT-HSC must submit four (4) weeks of completed inspection logs for the Chemical Storage Area located in the Facilities Support Building and for Room 70 located in the basement of the Health Sciences Building.

On August 27, 2007, UT-HSC submitted four weeks of completed hazardous waste inspection logs for the Chemical Storage Area located in the Facilities Support building and Room 70 located in the basement of the Health Sciences Building.

With this information, this violation is considered abated.

6. OAC Rule 3745-52-42(A)(1): Exception Report:

A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within thirty-five days of the date the waste was accepted by the initial transporter shall contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

UT-HSC had two shipments of hazardous waste, manifest #000244800 and manifest #000226987, where the signed copy of each manifest was not received within the thirty-five day time frame. UT-HSC did not have any documentation at the time of the inspection to indicate the initial transporter was contacted to determine the status of the hazardous waste shipments.

To abate this violation, UT-HSC must provide documentation from the transporter and/or the designated facility for the two shipments of hazardous waste where the signed copy of the manifest was not received within the required thirty-five days. Specifically, manifest #000244800 was signed by transporter #1 on 3/13/07, the shipment was then received by transporter #2 and delivered to the designated facility on 5/14/07, for a total of 61 days to reach transporter #2 and the designated facility. UT-HSC must provide documentation from transporter #1, ADCOM Express, Inc., regarding where the hazardous waste was stored until transporter #2, Pollution Control Industries, received the shipment and delivered it to the designated facility. Manifest #000244800 was for the shipment of six drums of waste flammable liquid (D001, F003, F005).

In addition, manifest #000226987 was signed by transporter #1 on 11/29/06, and the manifest was not signed by the designated facility until 1/10/07, for a total of 42 days to reach the designated facility. Manifest #000226987 was for the shipment of one fiber drum of waste sodium sulfide (D001, D002, D003); one container of waste acrolein (D001, P003); and one container of waste cyanogen bromide (U246).

On August 27, 2007, UT-HSC submitted a copy of a letter from ADCO Services, Inc. in regards to manifest #000244800. The shipment was transported by ADCOM Express, Inc. to the ADCO Services, Inc. facility located in Tinley Park, IL. The shipment was placed with the non-hazardous drums by mistake and was not discovered until the non hazardous drums were prepared for shipment to the processor in May, 2007. The shipment was then sent to the designated facility, Pollution Control Industries for disposal. ADCO Services, Inc. is a licensed radioactive waste broker and can store radioactive waste for up to 180 days. The shipment from UT-HSC was securely stored on site at their facility.

On August 27, 2007, UT-HSC also submitted a copy of an electronic mail from Rader Environmental and Clean Harbors with information regarding manifest #000226987. This shipment was picked up on 11/29/06 and brought to the Clean Harbors hub in Sterling Heights, MI. On 12/9/06, the material was shipped to the Clean Harbors-Spring Grove location in Cincinnati, Ohio, which is the main disposal/consolidation hub for the Midwest. The Spring Grove facility has a storage permit for drums they consolidate and ship to other facilities for disposal. Drums going out from this region are held until there is a full load going to another region. On 12/21/06, the shipment was sent from Clean Harbors-Spring Grove to El Dorado, AR where it was received on 1/10/07.

UT-HSC provided adequate documentation for the two shipments of hazardous waste where the signed copy of the manifest was not received within the required thirty-five days. UT-HSC must monitor hazardous waste shipments to ensure that the required documentation is received within the timeframe given in the regulations. Your compliance with this requirement may be assessed during a future unannounced compliance inspection.

With this information, this violation is considered abated.

7. OAC Rule 3745-52-42(A)(2): Exception Report:

A generator shall submit an exception report to the Ohio EPA if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within forty-five days of the date the waste was accepted by the initial transporter.

UT-HSC failed to submit an exception report to Ohio EPA for manifest #000244800. Specifically, manifest #000244800 was signed by transporter #1 on 3/13/07, the shipment was then received by transporter #2 and delivered to the designated facility on 5/14/07, for a total of 61 days to reach transporter #2 and the designated facility. Manifest #000244800 was for the shipment of six drums of waste flammable liquid (D001, F003, F005).

To abate this violation, UT-HSC must prepare an exception report for manifest #000244800. The exception report shall include: A legible copy of the manifest and a cover letter signed by the generator explaining the efforts that were taken to locate the hazardous waste and the results of those efforts. In addition, UT-HSC must submit a copy of an internal policy that outlines the procedures that will be implemented to ensure hazardous waste shipments are properly tracked.

On August 27, 2007, UT-HSC submitted a copy of an exception report for manifest #000244800. In addition, UT-HSC included a copy of an internal policy (HM-08-001) that addresses the collection, storage, transport and disposal of hazardous waste from the facility.

With this information, this violation is considered abated.

8. OAC Rule 3745-279-22(C)(1): Labeling:

Containers, aboveground tanks and fill pipes used for underground storage tanks shall be labeled or marked clearly with the words "Used Oil."

UT-HSC had one container of used oil located in the Health Science Building, room 465, that was not properly labeled.

UT-HSC properly labeled the container with the words "Used Oil" at the time of our inspection.

Therefore, this violation has been abated.

9. OAC Rule 3745-273-13(D)(1): Universal Waste Management - Lamps:

Each lamp must be stored in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

UT-HSC had boxes of universal waste lamps that were not properly closed.

UT-HSC properly closed the boxes of universal waste lamps at the time of our inspection.

Therefore, this violation has been abated.

10. OAC Rule 3745-273-14(E): Universal Waste Labeling - Lamps:

Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Lamps", or "Waste Lamps" or "Used Lamps".

UT-HSC did not properly label the boxes of spent lamps with one of the required phrases. UT-HSC was using a stamp that placed the date on the box and the words "universal waste". In order to correct this violation, UT-HSC must properly label each lamp, or container, or package and submit photographic documentation that this has been done.

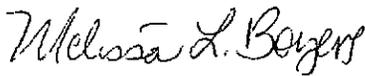
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On August 27, 2007, UT-HSC submitted photographic documentation for the containers of universal waste fluorescent bulbs that are now properly labeled and dated. UT-HSC purchased stamps that have the words "universal waste lamps" and have a changeable date device to label the universal waste as it is generated.

With this information, this violation is considered abated.

Should 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

/csi

pc: Cindy Lohrbach, DHWM, NWDO
Colleen Weaver, DHWM, NWDO
{DHWM; NWDO University of Toledo-Health Science File}

ec: Melissa Boyers, DHWM, NWDO